



# FEDERAL REGISTER

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Vol. 82                      Monday,  
No. 92                      May 15, 2017

Pages 22279–22388

OFFICE OF THE FEDERAL REGISTER



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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 4022

#### Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in June 2017. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

**DATES:** Effective June 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Deborah C. Murphy (*Murphy.Deborah@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202-326-4400 ext. 3451. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4400 ext. 3451.)

**SUPPLEMENTARY INFORMATION:** PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (*http://www.pbgc.gov*).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for June 2017.<sup>1</sup>

The June 2017 interest assumptions under the benefit payments regulation will be 1.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for May 2017, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the

need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during June 2017, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

#### List of Subjects in 29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is amended as follows:

#### PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 284, as set forth below, is added to the table.

#### Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
*	*		*	*	*	*	*	*
284	6-1-17	7-1-17	1.00	4.00	4.00	4.00	7	8

<sup>1</sup> Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes interest assumptions for valuing

benefits under terminating covered single-employer plans for purposes of allocation of assets under

ERISA section 4044. Those assumptions are updated quarterly.

■ 3. In appendix C to part 4022, Rate Set 284, as set forth below, is added to the table.

**Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)					
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*		*	*	*	*	*	*	*
284	6–1–17	7–1–17	1.00	4.00	4.00	4.00	7	8	

Issued in Washington, DC.

**Deborah Chase Murphy,**

*Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.*

[FR Doc. 2017–09469 Filed 5–12–17; 8:45 am]

**BILLING CODE 7709–02–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2017–0395]

**Drawbridge Operation Regulation; Willamette River at Portland, OR**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burnside Bridge across the Willamette River, mile 12.4, at Portland, OR. This deviation is necessary to accommodate the annual Rose Festival Grand Floral Parade event. The deviation allows the bridge to remain in the closed-to-navigation position to allow safe roadway movement of event participants.

**DATES:** This deviation is effective from 7 a.m. to 2 p.m. on June 10, 2017.

**ADDRESSES:** The docket for this deviation, USCG–2017–00395 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

Multnomah County owns the Burnside

Bridge, crossing the Willamette River, mile 12.4, at Portland, OR, and has requested a temporary deviation from the operating schedule. The requested deviation is to accommodate the Rose Festival Grand Floral Parade event. To facilitate this event, the draw of this bridge will be allowed to be kept in the closed-to-navigation position to marine traffic from 7 a.m. to 2 p.m. on June 10, 2017. The Burnside Bridge provides a vertical clearance of 41 feet in the closed-to-navigation position referenced to Columbia River Datum 0.0. The normal operating schedule is in 33 CFR 117.897. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. The Coast Guard contacted all known users of the Willamette River for comment, and we received no objections for this deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at any time. The bridge will be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will inform the users of the waterway, through our Local and Broadcast Notices to Mariners, of the change in operating schedule for the bridges so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedules immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 10, 2017.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2017–09724 Filed 5–12–17; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2017–0355]

**Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Montlake Bridge across Lake Washington Ship Canal, mile 5.2, at Seattle, WA. The deviation is necessary to accommodate the Emerald City Bike Ride event. This deviation allows the bridge span to remain in the closed-to-navigation position.

**DATES:** This deviation is effective from 6 a.m. to 9 a.m. on May 28, 2017.

**ADDRESSES:** The docket for this deviation, [USCG–2017–0355] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Washington Department of Transportation (bridge owner) has requested a temporary deviation from the operating schedule for the Montlake Bridge across Lake Washington Ship Canal, at mile 5.2, at Seattle, WA. The deviation is necessary to accommodate event participants to cross the bridge safely. The Montlake Bridge is a double leaf bascule bridge; and in the closed-to-



navigation position provides 30 feet of vertical clearance throughout the navigation channel, and 46 feet of vertical clearance throughout the center 60 feet of the bridge; vertical clearance references to Mean Water Level of Lake Washington. To facilitate this event, the double bascule span will remain closed from 6 a.m. to 9 a.m. on May 28, 2017. The Coast Guard coordinated with the local mariners by request any objections via the Local Notice to Mariners.

The normal operating schedule for the Montlake Bridge operates in accordance with 33 CFR 117.1051(e). Waterway usage on the Lake Washington Ship Canal ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will be able to open for emergencies and emergency vessels in route to a call. Lake Washington Ship Canal has no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 27, 2017.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

[FR Doc. 2017-09723 Filed 5-12-17; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0311]

#### Drawbridge Operation Regulation; Quantuck Canal, Westhampton Beach, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Beach Lane Bridge across the Quantuck Canal, mile 1.1 at Westhampton Beach, New York. This action is necessary to complete rehabilitation of the bascule leaves of

the drawbridge. The deviation will allow the bridge to open only one bascule span at a time in order to provide passage for vessels requiring an opening.

**DATES:** This deviation is effective without actual notice from May 15, 2017 through 11:59 p.m. on September 30, 2017. For the purposes of enforcement, actual notice will be used from April 17, 2017, until May 15, 2017.

**ADDRESSES:** The docket for this deviation, USCG-2017-0311 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212-514-4334, email [james.m.moore2@uscg.mil](mailto:james.m.moore2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Suffolk County Department of Public Works, the owner of the bridge, requested a temporary deviation in order to facilitate reconstruction of the bascule leaves.

The Beach Lane Bridge across the Quantuck Canal, mile 1.1 at Westhampton Beach, New York is a double-leaf bascule bridge offering mariners a vertical clearance of 13.9 feet at mean high water and 16.2 feet at mean low water in the closed position. Horizontal clearance is 50.3 feet, but utilization of a work barge placed underneath one of the bascule leaves will reduce horizontal clearance to 25 feet. The existing drawbridge operating regulations are listed at 33 CFR 117.799(d).

This temporary deviation will allow the Beach Lane Bridge to open only one of the two bascule spans for bridge openings from 12:01 a.m. on April 17, 2017 to 11:59 p.m. on September 30, 2017. Dual lift span operations will be permitted, provided 48 hours of advance notice is furnished to the owner of the bridge.

The majority of vessels requiring bridge openings are sailing vessels and yachts transiting the waterway. Discussion with the proprietor of the Modern Yachts Marina located in the vicinity of the bridge confirms typical recreational traffic will continue to be able to proceed through the navigation opening of the bridge during one-leaf operations. Small scale tug/barge combinations occasionally transit the Quantuck Canal, but such commercial craft are generally limited in size. Mariners concur that the requirement to

provide the bridge owner 48 hours of advance notice for dual lift span operations will not impede overall operations.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies and there is an alternate route for vessels unable to pass through the bridge when in the closed position.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 24, 2017.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2017-09722 Filed 5-12-17; 8:45 am]

BILLING CODE 9110-04-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2007-0989; FRL-9960-67-Region 6]

#### Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Minor New Source Review Permitting Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving severable portions of revisions to the Oklahoma New Source Review (NSR) State Implementation Plan (SIP) submitted by the State of Oklahoma on February 14, 2002 (the February 14, 2002, SIP submittal). This action addresses revisions to the Oklahoma Administrative Code (OAC), Title 252, Chapters 4 and 100, concerning the State's Minor New Source Review air permitting program.

**DATES:** This rule is effective on June 14, 2017.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R06-OAR-2007-0989. All

documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Rick Barrett, 214-665-7227, [barrett.richard@epa.gov](mailto:barrett.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

### I. Background

The background for this action is discussed in detail in our November 29, 2016, proposal (81 FR 85907). In that document, we proposed to find that the severable portions of the Minor NSR program requirements in OAC 252:4-1 (General Provisions), OAC 252:4-7 (Environmental Permit Process), Appendix C (Permitting Process Summary), OAC 252:100-5 (Registration, Emission Inventory and Annual Operating Fees), OAC 252:100-7 (Permits for Minor Facilities) and Appendix H (De Minimis Facilities) are approvable as meeting CAA requirements for a Minor NSR program. With the exception of OAC 252:100-7

and Appendix H, the above provisions were previously approved as to Oklahoma’s Major NSR program. See 75 FR 72695, November 26, 2010. In this action, the severable Minor NSR provisions provide the necessary procedures and applicable requirements for approvable Minor NSR programs. We did not propose approval of those portions of OAC 252:100-8, Parts 1 and 5 as they apply to Oklahoma’s Minor NSR program; the EPA will address the Minor NSR program aspects of them in a separate action. This action is being taken under section 110 of the Act.

We received one comment on the proposal. The comment and our response to that comment follows below.

### II. Response to Comment

*Comment:* One commenter stated that the EPA cannot approve the changes to the Oklahoma minor source NSR program unless the program ensures that no source which causes or contributes to a violation of any NAAQS can obtain a permit.

*Response:* We thank the commenter for the comment. We agree that EPA cannot approve a revision to a Minor NSR program SIP that would preclude the permitting authority from preventing the construction or modification of a source whose emissions interfere with the attainment or maintenance of the NAAQS. See 40 CFR 51.160(b). The revisions to Oklahoma’s Minor NSR program SIP approved through this action include permitting provisions that require a

source to comply with all applicable air pollution rules and prohibit the exceedance of the NAAQS. See OAC 252:100-7-15. EPA’s review of the proposed revisions to the Oklahoma Minor NSR program, in accordance with section 110(l) of the CAA, forms the basis for demonstrating noninterference with applicable requirements concerning attainment of the NAAQS and other applicable requirements of the CAA. See the section 110(l) analysis in our proposed approval for this action (81 FR 85907, 85911, November 29, 2016), and in the accompanying Technical Support Document on page 26.

### III. Final Action

We are approving the severable portions of revisions to the Oklahoma SIP as proposed in our November 29, 2016 proposal (81 FR 85907). This includes portions of the February 14, 2002, SIP submittal from the State of Oklahoma. Many of these revisions are administrative in nature and modify redundant or incorrect text within the SIP. The revisions also include renumbered or codified portions of the SIP and new sections that incorporate Federal rules. We approve the revisions to the SIP that meet CAA requirements. Specifically, we are approving the severable portions of revisions to the Oklahoma Minor NSR SIP identified in Table 1 below. As discussed above, many of these provisions were previously approved as part of Oklahoma’s Major NSR program. See 75 FR 72695 (November 26, 2010).

TABLE 1—REVISIONS TO THE OKLAHOMA SIP FOR APPROVAL

Section	Title	Effective date	Submittal date
<b>Chapter 4 (OAC 252:4). Rules of Practice and Procedure</b>			
Subchapter 1. General Provisions			
OAC 252:4-1-1 .....	Purpose and Authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-2 .....	Definitions .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-3 .....	Organization .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-4 .....	Office hours and locations; communications .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-5, except (a) 2nd sentence, which EPA will address in a separate action.	General Provisions, Availability of a record .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-6 .....	Administrative fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-7 .....	Fee credits for regulatory fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-8 .....	Board and Councils .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-1-9 .....	Severability .....	June 11, 2001 .....	February 14, 2002.
Subchapter 7. Environmental Permit Process			
OAC 252:4-7-1 .....	Authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-2, except 2nd sentence, which EPA will address in a separate action.	Preamble .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-3 .....	Compliance .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-4, except (a) 1st sentence, which EPA will address in a separate action.	Filing an application .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-5 .....	Fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-6 .....	Receipt of Applications .....	June 11, 2001 .....	February 14, 2002.

TABLE 1—REVISIONS TO THE OKLAHOMA SIP FOR APPROVAL—Continued

Section	Title	Effective date	Submittal date
OAC 252:4-7-7 .....	Administrative completeness review .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-8 .....	Technical review .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-9 .....	When review times stops .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-10 .....	Supplemental time .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-11 .....	Extensions .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-12 .....	Failure to meet deadline .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-13, except (a), which EPA will address in a separate action.	Notices .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-14 .....	Withdrawing applications .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-15 .....	Permit issuance or denial .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-17 .....	Permit decision-making authority .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-18 .....	Pre-issuance permit review and correction .....	June 11, 2001 .....	February 14, 2002.
OAC 252:4-7-19 .....	Consolidation of permitting process .....	June 11, 2001 .....	February 14, 2002.
<b>Part 3. Air Quality Division Tiers and Timelines</b>			
OAC 252:4-7-31 .....	Air quality time lines .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 4-7-32, except (a) and (c)(1), which EPA will address in a separate action.	Air quality applications—Tier I .....	June 11, 2001 .....	February 14, 2002.
Appendices for OAC 252: Chapter 4			
OAC 252: 4. Appendix C, except the Tier I column, which EPA will address in a separate action.	Permitting process summary .....	June 11, 2001 .....	February 14, 2002.
<b>Chapter 100 (OAC 252:100) Air Pollution Control</b>			
Subchapter 5. Registration, Emission Inventory and Annual Operating Fees			
OAC 252: 100-5-1 .....	Purpose .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-1.1 .....	Definitions .....	June 15, 2007 .....	July 16, 2010.
OAC 252: 100-5-2 .....	Registration of potential sources of air contaminants.	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-2.1 .....	Emission inventory .....	June 15, 2007 .....	July 16, 2010.
OAC 252: 100-5-2.2 .....	Annual operating fees .....	June 11, 2001 .....	February 14, 2002.
OAC 252: 100-5-3 .....	Confidentiality of proprietary information .....	June 11, 2001 .....	February 14, 2002.
Subchapter 7. Permits for Minor Facilities			
<b>Part 1. General Provisions</b>			
OAC 252: 100-7-1 .....	Purpose .....	June 25, 1998 .....	February 14, 2002.
OAC 252: 100-7-1.1 .....	Definitions .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-2, except (a) 2nd sentence, which EPA will address in a separate action.	Requirement for permits for minor facilities .....	June 1, 2001 .....	February 14, 2002.
<b>Part 3. Construction Permits</b>			
OAC 252: 100-7-15 .....	Construction permit .....	June 11, 1999 .....	February 14, 2002.
<b>Part 4. Operating Permits</b>			
OAC 252: 100-7-17 .....	Relocation permits for portable sources .....	June 25, 1998 .....	February 14, 2002.
OAC 252: 100-7-18 .....	Operating permit .....	June 11, 1999 .....	February 14, 2002.
<b>Part 9. Permits by Rule</b>			
OAC 252: 100-7-60 .....	Permit by rule .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-60.1 .....	Cotton gins .....	June 11, 1999 .....	February 14, 2002.
OAC 252: 100-7-60.2 .....	Grain elevators .....	June 11, 1999 .....	February 14, 2002.
Subchapter 8. Permits for Part 70 Sources			
EPA will address applicability to Minor NSR permitting under OAC 252:100-8 in a separate action.			
OAC 252: 100. Appendix H .....	DE MINIMIS FACILITIES .....	June 25, 1998 .....	February 14, 2002.

This action is being taken under section 110 of the Act.

#### IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes

incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the

incorporation by reference of the revisions to the Oklahoma regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the EPA Region 6 office.

## V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 14, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 27, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart LL—Oklahoma

- 2. In § 52.1920(c), the table titled "EPA Approved Oklahoma Regulations" is amended:

- a. Under "Regulation 1.4 Air Resources Management Permit Required," by removing the entries for 1.4.1(d), 1.4.2(e), 1.4.2(h), the center heading for "1.4.3 Operating Permit" and the entries for 1.4.3(a) through 1.4.3(c).
- b. By adding in numerical order:
  - i. An entry under "CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE" for 252:4-7-32;
  - ii. A center heading for under "CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL" titled "Subchapter 5. Registration, Emission Inventory and Annual Operating Fees", followed by entries for 252:100-5-1;
  - iii. A center heading under "CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL" titled "Subchapter 7. Permits for Minor Facilities" immediately after the entry for Section 252:100-5-3, followed by a center heading titled "Part 1. General Provisions";
  - iv. Entries for 252:100-7-1 through 252:100-7-2;
  - v. A center heading titled "Part 3. Construction Permits";
  - vi. An entry for 252:100-7-15;
  - vii. A center heading titled "Part 4. Operating Permits";
  - viii. Entries for 252:100-7-17 through 252:100-7-18
  - ix. A center heading titled "Part 9. Permits by Rule";
  - x. Entries for 252:100-7-60 through 252:100-7-60.2; and
  - xi. An entry for "252:100, Appendix H" immediately after the entry for "252:100, Appendix G."
- c. By revising the entries for 1.4.1(a), 1.4.1(b), 1.4.1(c), 1.4.2(a), 1.4.2(b), 1.4.2(c), 1.4.2(d), 1.4.2(f), 1.4.2(g), the entries for 252:4-1-1 through 252:4-1-9, 252:4-7-1 through 252:4-7-31, 252:4, Appendix C, under "Appendices for OAC 252: Chapter 4", and 252:100-5-1 through 252:100-5-3.

The additions and revisions read as follows:

### § 52.1920 Identification of plan

\* \* \* \* \*

(c) \* \* \*

## EPA APPROVED OKLAHOMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>OKLAHOMA AIR POLLUTION CONTROL REGULATIONS</b>				
<b>Regulation 1.4. Air Resources Management Permits Required</b>				
<b>Regulation 1.4.1 General Permit Requirements</b>				
1.4.1(a) .....	Scope and purpose .....	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.1(b) .....	General requirements .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.1(c) .....	Necessity to obtain permit .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
<b>1.4.2 Construction Permit</b>				
1.4.2(a) .....	Standards required .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(b) .....	Stack height limitation .....	6/11/1989	8/20/1990, 55 FR 33905 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(c) .....	Permit applications .....	6/4/1990	7/23/1991, 56 FR 33715 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(d) .....	Action on applications .....	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(f) .....	Construction permit conditions	<sup>1</sup> 5/19/1983	8/25/1983, 48 FR 38635 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
1.4.2(g) .....	Cancellation of authority to construct or modify.	<sup>1</sup> 2/6/1984	7/27/1984, 49 FR 30184 .....	Applicable to minor NSR permitting under OAC 252:100–8 only.
<b>Regulation 3.8. Control of Hazardous Air Contaminants</b>				

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## OKLAHOMA ADMINISTRATIVE CODE, TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY

## CHAPTER 4 (OAC 252:4). RULES OF PRACTICE AND PROCEDURE

## Subchapter 1. General Provisions

252:4–1–1 .....	Purpose and authority .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–2 .....	Definitions .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–3 .....	Organization .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–1–4 .....	Office location and hours; communications.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>	Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4-1-5 .....	Availability of a record .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Sub-section (a), second sentence.
252:4-1-6 .....	Administrative fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-1-7 .....	Fee credits for regulatory fees	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-1-8 .....	Board and councils .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-1-9 .....	Severability .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
*	*	*	*	*
<b>Subchapter 7. Environmental Permit Process</b>				

## Part 1. The Process

252:4-7-1 .....	Authority .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-2 .....	Preamble .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: second sentence.
252:4-7-3 .....	Compliance .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-4 .....	Filing an application .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Sub-section (a), first sentence.
252:4-7-5 .....	Fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-6 .....	Receipt of applications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-7 .....	Administrative completeness review.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
252:4-7-8 .....	Technical review .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-9 .....	When review times stop .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-10 .....	Supplemental time .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-11 .....	Extensions .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-12 .....	Failure to meet deadline .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-13 .....	Notices .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Subsection (a). NOT in SIP: Subsection (e) and subsection (f) requirements for permits other than Part 70 permits.
252:4-7-14 .....	Withdrawing applications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-15 .....	Permit issuance or denial .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-16 .....	Tier II and III modifications .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-17 .....	Permit decision-making authority.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-18 .....	Pre-issuance permit review and correction.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4-7-19 .....	Consolidation of permitting process.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100-7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.

## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Part 3. Air Quality Division Tiers And Time Lines</b>				
252:4–7–31 .....	Air quality time lines .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:4–7–32 .....	Air quality applications—Tier I	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. NOT in SIP: Subsections (a), (b), (c)(1), (c)(3) and (c)(5).
*	*	*	*	*
<b>Appendices for OAC 252: Chapter 4</b>				
252:4, Appendix C ....	Permitting process summary ...	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695. NOT in SIP: Tier I column.
*	*	*	*	*
<b>CHAPTER 100 (OAC 252:100). AIR POLLUTION CONTROL</b>				
*	*	*	*	*
<b>Subchapter 5. Registration, Emission Inventory and Annual Operating Fees</b>				
252:100–5–1 .....	Purpose .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–1.1 .....	Definitions .....	6/15/2007	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 9/28/2016, 81 FR 66535.
252:100–5–2 .....	Registration of potential sources of air contaminants.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–2.1 .....	Emission inventory .....	6/15/2007	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 9/28/2016, 81 FR 66535.
252:100–5–2.2 .....	Annual operating fees .....	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.
252:100–5–3 .....	Confidentiality of proprietary information.	6/11/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> Applicable to minor NSR permitting under OAC 252:100–7. Approved for major NSR permitting 11/26/2010, 75 FR 72695.



## EPA APPROVED OKLAHOMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Subchapter 7. Permits for Minor Facilities</b>				
<b>Part 1. General Provisions</b>				
252:100–7–1 .....	Purpose .....	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–1.1 .....	Definitions .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–2 .....	Requirement for permits for minor facilities.	6/1/2001	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> NOT in SIP: Subsection (a), second sentence.
<b>Part 3. Construction Permits</b>				
252:100–7–15 .....	Construction permit .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Part 4. Operating Permits</b>				
252:100–7–17 .....	Relocation permits for portable sources.	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–18 .....	Operating permit .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Part 9. Permits by Rule</b>				
252:100–7–60 .....	Permit by rule .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100n–7–60.1 .....	Cotton gins .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
252:100–7–60.2 .....	Grain elevators .....	6/11/1999	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b>
<b>Subchapter 8. Permits for Part 70 Sources</b>				
*	*	*	*	*
<b>Appendices for OAC 252: Chapter 100</b>				
*	*	*	*	*
252:100, Appendix G	Allowable Particulate Matter Emission Rates for Directly Fired Fuel-Burning Units and Industrial Process.	7/1/2009	11/3/2015, 80 FR 67650.	
252:100, Appendix H	De minimis Facilities .....	6/25/1998	5/15/2017, [Insert <b>Register</b> citation].	<b>Federal</b> NOT in SIP: “and/or toxic.”
*	*	*	*	*

<sup>1</sup> Submitted.

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

[EPA–R03–OAR–2016–0042; FRL–9961–38–Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions and Amendments to Regulations for Continuous Opacity Monitoring, Continuous Emissions Monitoring, and Quality Assurance Requirements for Continuous Opacity Monitors; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects an omission in the rule language of a final rule pertaining to changes and amendments to Maryland regulations for continuous opacity monitoring (COM or COMs) and continuous emissions monitoring (CEM or CEMs) and to an amendment adding requirements for quality assurance and quality control as they pertain to COMs. EPA approved these revisions to the COMs and CEMs requirements in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This document is effective on May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814–2308 or by email at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 7, 2016, (81 FR 78048), EPA published a final rulemaking action approving revisions and amendments to Maryland regulations for COMs, CEMs, and quality assurance requirements for COMs.

In the “Identification of Plan” table on page 78052 of the rulemaking action published on November 7, 2016, we added only the title for Maryland regulation COMAR 26.11.31 “Quality Assurance Requirements for Opacity Monitors (COMs)” to 40 CFR 52.1070(c) and inadvertently omitted approved sections COMAR 26.11.31.01 through .12. The intent of the approved rulemaking was to incorporate the entire COMAR 26.11.31 regulation into the Maryland SIP. The revised rule language in this correcting rulemaking action is now adding the omitted language for each section of COMAR 26.11.31 in the Code of Federal Regulations (CFR). These sections were part of the original approval and are to be included in the CFR through this correction.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B),

provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting an inadvertent, incorrect citation in a previous action which fully discussed the regulation added to the Maryland SIP and provided a proposal and opportunity for comment. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

### Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of May 15, 2017.

EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction of the rule language in 40 CFR 52.1070(c) pertaining to changes and amendments to Maryland regulations for COMs and CEMs is not a “major rule” as defined by 5 U.S.C. 804(2).

Dated: March 24, 2017.

Cecil Rodriguez,

Acting Regional Administrator, EPA Region III.

■ 40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

### Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by adding under heading

“26.11.30 Policies and Procedures Relating to Maryland’s NO<sub>x</sub> Reduction and Trading Program” entries “26.11.31.01 through 26.11.31.12” in numerical order to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

## EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
* * * * *				
26.11.30 Policies and Procedures Relating to Maryland’s NO <sub>x</sub> Reduction and Trading Program				
* * * * *				
26.11.31.01	Scope	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.02	Applicability	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.03	Incorporation by Reference	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.04	Definitions	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.05	Principle	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.06	Quality Control Requirements	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.07	Opacity Calibration Drift Assessment	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.08	Audit Frequency	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.09	Performance Audit	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.10	Calibration Error Methods	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.11	Zero Alignment Audit	6/13/2011	11/7/2016 81 FR 78048.	
26.11.31.12	Corrective Actions	6/13/2011	11/7/2016 81 FR 78048.	
* * * * *				

\* \* \* \* \*

[FR Doc. 2017-09492 Filed 5-12-17; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R06-OAR-2017-0054; FRL-9960-15-Region 6]

### Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Texas for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The SIP revision being

approved describes how CAA requirements for vehicle inspection and maintenance (I/M), nonattainment new source review (NNSR) and emission statements are met in the Houston-Galveston-Brazoria ozone nonattainment area (HGB area) for the 2008 ozone NAAQS. EPA is also making a ministerial correction to the Code of Federal Regulations (CFR) to accurately reflect approved SIP revisions that pertain to Texas I/M provisions.

**DATES:** This rule is effective on July 14, 2017 without further notice, unless the EPA receives relevant adverse comment by June 14, 2017. If the EPA receives such comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2017-0054, at <http://www.regulations.gov> or via email to [young.carl@epa.gov](mailto:young.carl@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment

received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact Carl Young, 214-665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov). For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all

documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

**FOR FURTHER INFORMATION CONTACT:** Carl Young, 214-665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov). To inspect the hard copy materials, please schedule an appointment with Mr. Young or Mr. Bill Deese at 214-665-7253.

**SUPPLEMENTARY INFORMATION:**

Throughout this document “we,” “us,” and “our” means the EPA.

## I. Background

In 2008 we revised the 8-hour ozone primary and secondary NAAQS to a level of 0.075 parts per million (ppm) to provide increased protection of public health and the environment (73 FR 16436, March 27, 2008). The HGB area was classified as a “Marginal” ozone nonattainment area for the 2008 8-hour ozone NAAQS and initially given an attainment date of no later than December 31, 2015 (77 FR 30088 and 77 FR 30160, May 21, 2012). The HGB area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties.

On December 23, 2014, the D.C. Circuit Court issued a decision rejecting, among other things, our attainment deadlines for the 2008 ozone nonattainment areas, finding that we did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC v. EPA*, 777 F.3d 456, 464–69 (D.C. Cir. 2014). Consistent with the court’s decision we modified the attainment deadlines for all nonattainment areas for the 2008 ozone NAAQS, and set the attainment deadline for all 2008 ozone Marginal nonattainment areas, including the HGB area as July 20, 2015 (80 FR 12264, March 6, 2015). The HGB area qualified for a 1-year extension of the attainment deadline and we revised the attainment deadline to July 20, 2016 (81 FR 26697, May 4, 2016). As the HGB area did not meet the revised attainment deadline of July 20, 2016, we reclassified the area to “Moderate” and set a due date for a revised SIP of January 1, 2017 (81 FR 90207, December 14, 2016).

On December 29, 2016, Texas submitted a SIP revision for the HGB area. The SIP revision included a description of how CAA requirements for I/M, NNSR, and Emission Statements from stationary point sources are met in the HGB area for the 2008 ozone NAAQS, using already-existing measures previously approved

by EPA. A copy of the SIP revision is available on line at [www.regulations.gov](http://www.regulations.gov), Docket number EPA–R06–OAR–2017–0054. In the SIP revision submittal, Texas noted that: (1) The I/M program SIP revision approved by EPA on November 14, 2001 (66 FR 57261) meets the CAA requirements for ozone nonattainment areas classified as Serious or above; (2) the NNSR program SIP revision was initially approved by EPA in 1995 (60 FR 49781, September 27, 1995) and that emissions thresholds and pollutant offset requirements are based on nonattainment classifications; and (3) the SIP revision pertaining to emissions inventory requirements approved by EPA on August 26, 1994 (59 FR 44036) meets the CAA requirement for emission statements. The codification of the Texas SIP approved by EPA can be found at 40 CFR 52.2270(c).

In addition, in a separate (but related) matter, in reviewing the Texas SIP, we found that our July 25, 2014, final rule approved revisions to the Texas I/M provisions but our amendments to the CFR failed to include the explanation that 30 TAC Section 114.50(b)(2) is not part of the Texas SIP (79 FR 43264). In a 2001 final rule, we did not approve 30 TAC Section 114.50(b)(2) as part of the Texas SIP as (1) it placed an additional reporting burden upon commanders at Federal facilities regarding affected Federal vehicles that is not imposed upon any other affected non-federal vehicle and (2) additional reporting requirement is not an essential element for an approvable I/M program, since affected Federal vehicles are also subject to the same reporting requirements as other affected non-federal vehicles. *See* 66 FR 57261, 57262 (November 14, 2001).

## II. The EPA’s Evaluation

### A. CAA Requirements for I/M in the HGB Area

I/M refers to the inspection and maintenance programs for in-use vehicles required under the CAA. The applicable requirements for ozone nonattainment areas that are required to adopt I/M programs are described in CAA sections 182(a)(2)(B), 182(b)(4), 182(c)(3), and 184(b)(1)(A) and further defined in 40 CFR 51.350 (“Applicability”) of the I/M rule (40 CFR part 51, subpart S). Under these cumulative requirements, Moderate ozone nonattainment areas in urbanized areas with 1990 Census populations of 200,000 or more are required to adopt basic I/M programs, while Serious and higher classified ozone nonattainment areas outside of the northeast Ozone

Transport Region with 1980 Census-defined urbanized populations of 200,000 or more are required to adopt enhanced I/M programs (40 CFR 51.350(a)(2) and (4)).

Previously, we revoked (1) the 1979 1-hour ozone NAAQS (69 FR 23951, April 30, 2004 and 70 FR 44470, August 3, 2005) and (2) the 1997 8-hour ozone NAAQS (80 FR 12264, March 6, 2015). Because the HGB area was classified as Severe nonattainment for these revoked ozone NAAQS, an enhanced I/M program is required in the HGB area for anti-backsliding purposes (40 CFR 51.1100(o)). Ozone classifications can be found in CAA section 181 and 40 CFR 51.1103. The Severe classification is one classification higher than the Serious classification and two classifications higher than the Moderate classification.

The Texas SIP includes 30 TAC Section 114.2 (Inspection and Maintenance Definitions) and 30 TAC Section 114.50 (Vehicle Emissions Inspection Requirements) except for 30 TAC Section 114.50(b)(2) as discussed above. Under these provisions Brazoria, Fort Bend, Galveston, Harris and Montgomery Counties in the HGB area are included in the I/M program. Chambers, Liberty and Waller Counties are not included in the I/M program for the HGB area. The program requires that gasoline powered light-duty vehicles, and light and heavy-duty trucks between two and twenty-four years old, that are registered or required to be registered in the I/M program area, including fleets, are subject to annual inspection and testing. Chambers, Liberty and Waller Counties are not required to be in the I/M program as they are not included in the urbanized area. *See* 70 FR 58119, 58132 (October 5, 2005) and 71 FR 52670 (September 6, 2006). Therefore, since the provisions in the Texas SIP already include the CAA I/M requirements for the HGB area, we are approving this portion of the SIP revision.

### B. CAA Requirements for NNSR in the HGB Area

The applicable NNSR requirements for the various ozone nonattainment classifications are described in CAA section 182 and further defined in 40 CFR 51, Subpart I (Review of New Sources and Modifications). Under these requirements new major sources or major modifications at existing sources in an ozone nonattainment area must comply with the lowest achievable emission rate and obtain sufficient emission offsets. The emission offset ratio required for Moderate ozone nonattainment areas is 1.15 to 1 (CAA section 182(b)(5)).

The Texas SIP already includes 30 TAC Section 116.12 (Nonattainment and Prevention of Significant Deterioration Review Definitions) and 30 TAC Section 116.150 (New Major Source or Major Modification in Ozone Nonattainment Area). These provisions require new major sources or major modifications at existing sources in the HGB area comply with the lowest achievable emission rate and obtain emission offsets at the Moderate classification ratio of 1.15 to 1. Therefore, since the provisions in the Texas SIP already include the CAA NNSR requirements for ozone nonattainment areas classified as Moderate, we are approving this portion of the SIP revision.

### C. CAA Requirements for Emission Statements

CAA section 182(a)(3)(B) calls for the SIP for all ozone nonattainment areas to require that the owner or operator of each stationary source of nitrogen oxides or volatile organic compounds (ozone precursors) provide the State with an annual statement of emissions along with a certification that this information is accurate to the best knowledge of the individual certifying the statement.

The Texas SIP includes 30 TAC Section 101.10 (Emissions Inventory Requirements). The certification for emission statements is found at 30 TAC Section 101.10(d) (Certifying statement). Therefore, since the Texas SIP already includes the CAA emission statement requirement, we are approving this portion of the SIP revision.

### III. Final Action

We are approving a revision to the Texas SIP submitted on December 29, 2016, that describes how CAA requirements for vehicle I/M, NNSR and emission statements for large stationary point sources are met in the HGB area for the 2008 ozone NAAQS. We are also making a ministerial correction to the Code of Federal Regulations (CFR) to accurately reflect that 30 TAC Section 114.50(b)(2) is not part of the Texas SIP.

The EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on July 14, 2017 without further notice unless we receive relevant adverse comment by June 14, 2017. If we receive relevant adverse comments, we will publish a timely withdrawal in

the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 14, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Samuel Coleman was designated the Acting Regional Administrator on April 14, 2017 through the order of succession outlined in Regional Order R6-1110.1, a copy of which is included in the docket for this action.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 14, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

### Subpart SS—Texas

■ 2. In § 52.2270:

■ a. In paragraph (c) the table titled “EPA Approved Regulations in the Texas SIP” is amended by revising the entry for Section 114.50.

■ b. In paragraph (e), the second table titled “EPA Approved Nonregulatory Provisions and Quasi-Regulatory

Measures in the Texas SIP” is amended by adding an entry at the end for “Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statement Requirements for the 2008 Ozone NAAQS”.

The amendments reads as follows:

#### § 52.2270 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

### EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
* * * * *				
Section 114.50 .....	Vehicle Emission Inspection Re- quirements.	2/12/2014	10/7/2016, 81 FR 69679 ..	Subsection 114.50(b)(2) is NOT part of the ap- proved SIP.
* * * * *				

\* \* \* \* \* (e) \* \* \*

### EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
* * * * *				
Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statement Requirements for the 2008 Ozone NAAQS.	Houston-Galveston-Brazoria, TX	12/29/2016	5/15/2017, [Insert <b>Federal Register</b> citation].	

[FR Doc. 2017-09474 Filed 5-12-17; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 171

[EPA-HQ-OPP-2011-0183; FRL-9962-31]

RIN 2070-AK38

### Pesticides; Certification of Pesticide Applicators Rule; Extension of Effective Date

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; request for comments.

**SUMMARY:** On January 4, 2017, EPA published a final rule revising the regulation concerning the certification of applicators of restricted use pesticides (RUPs). The original effective date of March 6, 2017 was extended to March 21, 2017 by rule issued January

26, 2017, and subsequently extended to May 22, 2017 by rule issued March 20, 2017. In accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” and the principles identified in the April 25, 2017 Executive Order “Promoting Agriculture and Rural Prosperity in America,” EPA is proposing to further delay the effective date of the January 4, 2017 revisions to the Certification of Pesticide Applicators rule until May 22, 2018.

**DATES:** Comments must be received on or before May 19, 2017.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0183, by one of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any

information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC) (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503.

• **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, are available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Kevin Keaney, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 305-5557; email address: [keaney.kevin@epa.gov](mailto:keaney.kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information**

On January 26, 2017, EPA published a final rule in the **Federal Register** entitled “Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency Between October 28, 2016 and January 17, 2017” (82 FR 8499). In that rule, EPA delayed the effective dates of the five regulations, including the final rule revising the regulation concerning the certification of applicators of restricted use pesticides (RUPs) issued on January 4, 2017 (82 FR 952) (FR-9956-70), as requested in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review” (January 20 Memorandum). The January 20 Memorandum directed the heads of Executive Departments and Agencies to postpone for 60 days from the date of the January 20 Memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

The January 20 Memorandum further directed that where appropriate and as permitted by applicable law, agencies should consider a rule to delay the effective date for regulations beyond that 60-day period. Accordingly, on March 20, 2017, EPA published the final rule “Further Delay of Effective Dates for Five Final Regulations Published by the Environmental Protection Agency Between December 12, 2016 and January 17, 2017” (82 FR 14324), which applied to the revised Certification of Pesticide Applicators rule and four other rules. Pursuant to that March 20, 2017 rule, the effective date of the revised Certification of Pesticide Applicators rule was extended to May 22, 2017.

Upon further review, EPA has determined that the effective date of the revised Certification of Pesticide Applicators rule should be extended until May 22, 2018. EPA is taking this action to give recently arrived Agency officials the opportunity to conduct a substantive review of the revised Certification of Pesticide Applicators rule.

In view of the imminence of the revised Certification of Pesticide Applicators rule’s May 22, 2017 effective date, EPA is reducing the

duration of the comment period specified in 5 U.S.C. 553(d) to five days. EPA believes that five days is adequate time for interested parties to express their views on the whether the effective date of the revised Certification of Pesticide Applicators rule should be extended to allow substantive review. During this one-year extension, state certifying authorities and certified commercial and private applicators would be relieved of restrictions and burdens that would otherwise be imposed by the January 4, 2017 revisions to the Certification of Pesticide Applicators rule. Because this request for comments relieves a restriction, it is eligible for the exemption in 5 U.S.C. 553(d)(1) allowing a reduced comment period.

EPA’s decision to shorten the comment period is also based on the good cause exception in 5 U.S.C. 553(d)(3). The Agency has determined that a full 30-day comment period is impracticable, unnecessary and contrary to the public interest. EPA has determined a substantive review of the revised Certification of Pesticide Applicators rule is appropriate and consistent with the principles identified in the April 25, 2017 Executive Order “Promoting Agriculture and Rural Prosperity in America”. Given that a 30-day comment period would extend beyond the Certification of Pesticide Applicators rule’s May 22, 2017 effective date, such a 30-day comment would be impractical and contrary to the public interest in that it would require states, tribes, and the regulated community to adopt new measures to comply with a regulation that the Agency intends to substantively review, and possibly revise.

For the foregoing reasons, the EPA relies on the exceptions in 5 U.S.C. 553(d)(1) and (3) to issue this document with a five-day comment period.

**II. Statutory and Executive Order Reviews****A. Executive Order 12866: Regulatory Planning and Review; and, Executive Order 13563: Improving Regulation and Regulatory Review**

This action is not a significant regulatory action as that term is defined in Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, this request for comments is not subject to requirements of E.O. 12866 that apply to significant regulatory actions.

**B. Paperwork Reduction Act**

This request for comments does not involve any information collection

activities subject to the PRA, 44 U.S.C. 3501 *et seq.*

**C. Regulatory Flexibility Act (RFA)**

I certify that this action will not have a significant economic impact on a substantial number of small entities under RFA, 5 U.S.C. 601 *et seq.*

**D. Unfunded Mandates Reform Act (UMRA)**

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

**E. Executive Order 13132: Federalism**

This action does not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments**

This action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

**G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks**

This request for comments is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not an economically significant regulatory action as defined by Executive Order 12866.

**H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use**

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

**I. National Technology Transfer and Advancement Act (NTTAA)**

This rulemaking does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272 note.

**J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations**

EPA believes that this action would not have disproportionately high and

adverse human health or environmental effects on minority, low-income, or indigenous populations, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

Dated: May 4, 2017.

**E. Scott Pruitt,**  
Administrator.

[FR Doc. 2017-09386 Filed 5-11-17; 11:15 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[DA 17-417]

#### Spectrum Manager Leasing Arrangements; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** The Wireless Telecommunications Bureau (Bureau) of the Federal Communications Commission (FCC) adopted and released an *Order* on May 3, 2017, correcting certain rules in part 1 of the FCC's rules. In particular, the FCC replaced certain inadvertently deleted paragraphs from a section of the Commission's rules.

**DATES:** Effective May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Melissa Conway, [Melissa.Conway@fcc.gov](mailto:Melissa.Conway@fcc.gov), of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-2887.

**SUPPLEMENTARY INFORMATION:** This document makes the following corrections to section 1.9020 of the Commission's rules.

1. By this *Order*, the Bureau corrects and republishes section 1.9020(e)<sup>1</sup> of the Commission's rules in its entirety, in order to remedy an error in an earlier publication of the rule in the Code of Federal Regulations (CFR).

2. Section 1.9020 of the Commission's rules addresses spectrum manager leasing arrangements.<sup>2</sup> In revising the rule in the 2015 *Competitive Bidding Rules R&O*,<sup>3</sup> the Commission used amending language that resulted in the inadvertent deletion of paragraphs (e)(1) and (2) when the revised rule was published in the CFR. As there was no

discussion in the *Competitive Bidding Rules R&O* of eliminating those paragraphs, it is apparent that the deletion was not intentional. Rather, the Commission's clear intent was only to revise the introductory text of paragraph (e).<sup>4</sup>

3. On March 24, 2017, unaware of the earlier inadvertent deletion, the Commission released the *Contraband Wireless Devices Report and Order*,<sup>5</sup> in which it adopted revisions to certain of the deleted paragraphs of section 1.9020(e).<sup>6</sup> In order for the Commission to publish those rule changes in the **Federal Register** and make the necessary amendments to the CFR, we must first correct the earlier error and replace the inadvertently deleted paragraphs.

4. Accordingly, by this *Order*, the Bureau restores the inadvertently deleted portions of section 1.9020(e) of the Commission's rules. This rule correction, which serves to effectuate the Commission's intent, reinstates the inadvertently deleted paragraphs of section 1.9020(e) and republishes section 1.9020(e) in its entirety for clarity. The corrected version of section 1.9020(e) is attached as Appendix A to the *Order* released by the Commission on May 3, 2017.<sup>7</sup>

5. The Bureau finds it appropriate to forego a notice-and-comment period prior to this *Order* taking effect, given the nature of this rule correction and the impact of the current error within the Commission's rules. The Administrative Procedure Act (APA) provides that notice procedures are not required where "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."<sup>8</sup> We find that using the procedures of a notice-and-comment rulemaking to reinstate the inadvertently deleted paragraphs of section 1.9020(e) would be contrary to

the public interest because it would delay the implementation of certain significant public safety initiatives adopted by the Commission and would be unlikely to effectuate the public interest benefits usually associated with the conduct of a notice-and-comment proceeding.

6. Requiring notice and comment prior to the rule correction becoming effective would delay the implementation of certain rule amendments adopted in the *Contraband Wireless Devices Report and Order*, which are intended to expedite processing of spectrum lease applications or notifications for certain systems used to combat the use of contraband wireless devices in correctional facilities. We find that it would be contrary to the public interest to delay the significant public safety impact of these systems in order to provide notice and comment for this rule correction. We reach this conclusion specifically in light of the fact that the usual benefits of notice and comment appear to be absent here, given the Commission demonstrably did not intend to delete the longstanding paragraphs of section 1.9020(e)<sup>9</sup> and, in the intervening period following the inadvertent deletion, the public appears to have been operating under the assumption that the process contained in the deleted paragraphs remained intact. Indeed, since the *Competitive Bidding Rules R&O*, which resulted in the deletion, the Bureau has continued to receive the notifications filed by licensees pursuant to the procedures and standards set forth in section 1.9020(e), including its inadvertently deleted paragraphs. Because a notice-and-comment procedure would be contrary to the public interest, the Bureau finds good cause to forego a notice-and-comment rulemaking for the purposes of this correction to section 1.9020(e).

7. The APA requires publication of a substantive rule at least 30 days before its effective date "except as otherwise provided by the agency for good cause found and published with the rule."<sup>10</sup>

For the same reasons that we forego notice-and-comment procedures, we find good cause to make this correction to section 1.9020(e) effective immediately to remedy the error in the rule in the CFR.

#### List of Subjects in 47 CFR Part 1

Administrative practice and procedures.

<sup>9</sup> Nothing in the *Competitive Bidding Rules R&O* mentions deleting the relevant paragraphs.

<sup>10</sup> 5 U.S.C. 553(d)(3).

<sup>4</sup> The introductory text was revised again in *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Order on Reconsideration and Second Report and Order, 31 FCC Rcd 5011 (2016).

<sup>5</sup> *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, GN Docket No. 13-111, Report and Order and Further Notice of Proposed Rulemaking, FCC 17-25, 2017 WL 1135543 (2017) (*Contraband Wireless Devices Report and Order*).

<sup>6</sup> See *Contraband Wireless Devices Report and Order*, Appx. A (revising the introductory language of paragraph (e)(2), redesignating paragraphs (e)(2)(ii) and (iii) as (e)(2)(iii) and (iv), respectively, and adding new paragraph (e)(2)(ii)).

<sup>7</sup> *Commission Rule; Spectrum Manager Leasing Arrangements*, Order, DA 17-471 (WTB 2017).

<sup>8</sup> 5 U.S.C. 553(b)(B).

<sup>1</sup> 47 CFR 1.9020(e).

<sup>2</sup> *Id.*

<sup>3</sup> *Updating Part 1 Competitive Bidding Rules et al.*, Report and Order, Order on Reconsideration of the First Report and Order, Third Order on Reconsideration of the Second Report and Order, Third Report and Order, 30 FCC Rcd 7493 (2015) (*Competitive Bidding Rules R&O*).



Federal Communications Commission.

**Nese Guendelsberger,**

*Acting Chief, Wireless Telecommunications Bureau.*

Accordingly, 47 CFR part 1 is corrected by making the following correcting amendment:

## **PART 1—PRACTICE AND PROCEDURE**

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 310, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. In § 1.9020, the introductory text of paragraph (e) is republished and paragraphs (e)(1) and (2) are added to read as follows:

### **§ 1.9020 Spectrum manager leasing arrangements.**

\* \* \* \* \*

(e) *Notifications regarding spectrum manager leasing arrangements.* A licensee that seeks to enter into a spectrum manager leasing arrangement must notify the Commission of the arrangement in advance of the spectrum lessee's commencement of operations under the lease. Unless the license covering the spectrum to be leased is held pursuant to the Commission's designated entity rules and continues to be subject to unjust enrichment requirements and/or transfer restrictions (see §§ 1.2110 and 1.2111, and §§ 24.709, 24.714, and 24.839 of this chapter) or restrictions in § 1.9046 and § 96.32 of this chapter, the spectrum manager lease notification will be processed pursuant to either the general notification procedures or the immediate processing procedures, as set forth herein. The licensee must submit the notification to the Commission by electronic filing using the Universal Licensing System (ULS) and FCC Form 608, except that a licensee falling within the provisions of § 1.913(d) may file the notification either electronically or manually. If the license covering the spectrum to be leased is held pursuant to the Commission's designated entity rules, the spectrum manager lease will require Commission acceptance of the spectrum manager lease notification prior to the commencement of operations under the lease.

(1) *General notification procedures.* Notifications of spectrum manager

leasing arrangements will be processed pursuant to the general notification procedures set forth in this paragraph (e)(1) unless they are submitted and qualify for the immediate processing procedures set forth in paragraph (e)(2) of this section.

(i) To be accepted under these general notification procedures, the notification must be sufficiently complete and contain all information and certifications requested on the applicable form, FCC Form 608, including any information and certifications (including those of the spectrum lessee relating to eligibility, basic qualifications, and foreign ownership) required by the rules in this chapter and any rules pertaining to the specific service for which the notification is filed. No application fees are required for the filing of a spectrum manager leasing notification.

(ii) The licensee must submit such notification at least 21 days in advance of commencing operations unless the arrangement is for a term of one year or less, in which case the licensee must provide notification to the Commission at least ten (10) days in advance of operation. If the licensee and spectrum lessee thereafter seek to extend this leasing arrangement for an additional term beyond the initial term, the licensee must provide the Commission with notification of the new spectrum leasing arrangement at least 21 days in advance of operation under the extended term.

(iii) A notification filed pursuant to these general notification procedures will be placed on an informational public notice on a weekly basis (see § 1.933(a)) once accepted, and is subject to reconsideration (see §§ 1.106(f), 1.108, 1.113).

(2) *Immediate processing procedures.* Notifications that meet the requirements of paragraph (e)(2)(i) of this section qualify for the immediate processing procedures.

(i) To qualify for these immediate processing procedures, the notification must be sufficiently complete and contain all necessary information and certifications (including those relating to eligibility, basic qualifications, and foreign ownership) required for notifications processed under the general notification procedures set forth in paragraph (e)(1)(i) of this section, and also must establish, through

certifications, that the following additional qualifications are met:

(A) The license does not involve spectrum that may be used to provide interconnected mobile voice and/or data services under the applicable service rules and that would, if the spectrum leasing arrangement were consummated, create a geographic overlap with spectrum in any licensed Wireless Radio Service (including the same service), or in the ATC of a Mobile Satellite Service, in which the proposed spectrum lessee already holds a direct or indirect interest of 10% or more (see § 1.2112), either as a licensee or a spectrum lessee, and that could be used by the spectrum lessee to provide interconnected mobile voice and/or data services;

(B) The licensee is not a designated entity or entrepreneur subject to unjust enrichment requirements and/or transfer restrictions under applicable Commission rules (see §§ 1.2110 and 1.2111, and §§ 24.709, 24.714, and 24.839 of this chapter); and,

(C) The spectrum leasing arrangement does not require a waiver of, or declaratory ruling pertaining to, any applicable Commission rules.

(ii) Provided that the notification establishes that the proposed spectrum manager leasing arrangement meets all of the requisite elements to qualify for these immediate processing procedures, ULS will reflect that the notification has been accepted. If a qualifying notification is filed electronically, the acceptance will be reflected in ULS on the next business day after filing of the notification; if filed manually, the acceptance will be reflected in ULS on the next business day after the necessary data from the manually filed notification is entered into ULS. Once the notification has been accepted, as reflected in ULS, the spectrum lessee may commence operations under the spectrum leasing arrangement, consistent with the term of the arrangement.

(iii) A notification filed pursuant to these immediate processing procedures will be placed on an informational public notice on a weekly basis (see § 1.933(a)) once accepted, and is subject to reconsideration (see §§ 1.106(f), 1.108, 1.113).

\* \* \* \* \*

[FR Doc. 2017-09756 Filed 5-12-17; 8:45 am]

**BILLING CODE 6712-01-P**

# Proposed Rules

Federal Register

Vol. 82, No. 92

Monday, May 15, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AN50

#### Prevailing Rate Systems; Definition of Brown County, Wisconsin, and Forsyth and Mecklenburg Counties, North Carolina, to Nonappropriated Fund Federal Wage System Wage Areas

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This rule proposes to amend the geographic boundaries of three nonappropriated fund (NAF) Federal Wage System (FWS) wage areas. Based on consensus recommendations of the Federal Prevailing Rate Advisory Committee (FPRAC), the U.S. Office of Personnel Management (OPM) would define Brown County, Wisconsin, as an area of application county to the Lake, Illinois, NAF FWS wage area; Forsyth County, North Carolina, as an area of application to the Cumberland, NC, NAF FWS wage area; and Mecklenburg County, NC, as an area of application to the Richland, South Carolina, NAF FWS wage area. These changes are necessary because there are NAF FWS employees working in these three counties, and the counties are not currently defined in regulation to NAF wage areas.

**DATES:** We must receive comments on or before June 14, 2017.

**ADDRESSES:** You may submit comments, identified by RIN 3206-AN50, using any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200.

*Email:* [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

#### FOR FURTHER INFORMATION CONTACT:

Madeline Gonzalez, by telephone at (202) 606-2838 or by email at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing a proposed rule that would make changes to three NAF FWS wage area definitions. The Department of Veterans Affairs notified OPM that the Veterans Canteen Service (VCS) now employs NAF FWS employees in Brown County, WI, and Forsyth and Mecklenburg Counties, NC.

Under § 532.219 of title 5, Code of Federal Regulations (CFR), each NAF wage area “shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees.” Brown, Forsyth, and Mecklenburg Counties do not meet the regulatory criteria under 5 CFR 532.219 to be established as separate NAF wage areas; however, nonsurvey counties may be combined with a survey area to form a wage area. Section 532.219 lists the regulatory criteria that OPM considers when defining FWS wage area boundaries:

- (i) Proximity of largest facilities activity in each county;
- (ii) Transportation facilities and commuting patterns; and
- (iii) Similarities of the counties in—
  - (A) Overall population;
  - (B) Private employment in major industry categories; and
  - (C) Kinds and sizes of private industrial establishments.

OPM recently completed reviews of the definitions of Brown, Forsyth, and Mecklenburg Counties and is proposing the changes described below. FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended these changes by consensus. These changes would apply on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

#### Brown County, WI

Brown County would be defined as an area of application county to the Lake, IL, NAF FWS wage area. The closest NAF wage area to Brown County is the Lake wage area. The employment location of the new NAF FWS employees in Brown County (VCS #395) is located approximately 170 miles from Naval Station Great Lakes, the Lake wage area’s host activity.

With the definition of Brown County to the Lake NAF wage area, the Lake wage area would consist of one survey county, Lake County, IL, and nine area of application counties: Cook, Rock Island, and Vermilion Counties, IL; Johnson County, IA; Dickinson and Marquette Counties, MI; and Brown, Dane, and Milwaukee Counties, WI.

#### Forsyth County, NC

Forsyth County would be defined as an area of application county to the Cumberland, NC, NAF FWS wage area. The closest NAF wage area to Forsyth County is the Cumberland wage area. The employment location of the new NAF FWS employees in Forsyth County (VCS #359) is located approximately 103 miles from Fort Bragg, the Cumberland wage area’s host activity.

With the definition of Forsyth County to the Cumberland NAF wage area, the Cumberland wage area would consist of one survey county, Cumberland County, NC, and three area of application counties: Durham, Forsyth, and Rowan Counties, NC.

#### Mecklenburg County, NC

Mecklenburg County would be defined as an area of application county to the Richland, SC, NAF FWS wage area. The closest NAF wage area to Mecklenburg County is the Richland wage area. The employment location of the new NAF FWS employees in Mecklenburg County (VCS #959) is located approximately 91 miles from Fort Jackson, the Richland wage area’s host activity.

With the definition of Mecklenburg County to the Richland NAF wage area, the Richland wage area would consist of one survey county, Richland County, SC, and four area of application counties: Buncombe and Mecklenburg Counties, NC; Sumter County, SC; and Washington County, TN.

#### Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

#### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.  
**Kathleen M. McGettigan,**  
*Acting Director.*

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

## PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. Appendix D to Subpart B is amended by revising the wage area listing for the Lake, IL; Cumberland, NC; and Richland, SC, wage areas to read as follows:

### Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

\* \* \* \* \*

**ILLINOIS  
Lake**  
Survey Area

Illinois:  
 Lake  
*Area of Application. Survey area plus:*  
 Illinois:  
 Cook  
 Rock Island  
 Vermilion  
 Iowa:  
 Johnson  
 Michigan:  
 Dickinson  
 Marquette  
 Wisconsin:  
 Brown  
 Dane  
 Milwaukee

\* \* \* \* \*

**NORTH CAROLINA**

\* \* \* \* \*

**Cumberland**  
Survey Area

North Carolina:  
 Cumberland  
*Area of Application. Survey area plus:*  
 North Carolina:  
 Durham  
 Forsyth  
 Rowan

\* \* \* \* \*

**SOUTH CAROLINA**

\* \* \* \* \*

**Richland**  
Survey Area

South Carolina:  
 Richland  
*Area of Application. Survey area plus:*  
 North Carolina:  
 Buncombe  
 Mecklenburg  
 South Carolina

Sumter  
 Tennessee  
 Washington

\* \* \* \* \*

[FR Doc. 2017-09731 Filed 5-12-17; 8:45 am]

**BILLING CODE 6325-39-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

**[Docket Number USCG-2017-0318]**

**RIN 1625-AA00**

### Safety Zone; Missouri River Miles 616-617, Council Bluffs, IA, and Omaha, NE

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone on the Missouri River between miles 616 and 617. This action is necessary to provide for the safety of life on these navigable waters near Council Bluffs, IA and Omaha, NE during high speed boat races on July 7, 8, and 9, 2017. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Upper Mississippi River or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 14, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0318 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314-269-2332, email [Sean.M.Peterson@uscg.mil](mailto:Sean.M.Peterson@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
 COTP Captain of the Port Upper Mississippi River  
 DHS Department of Homeland Security  
 FR Federal Register  
 NPRM Notice of proposed rulemaking  
 § Section

U.S.C. United States Code

## II. Background, Purpose, and Legal Basis

On April 4, 2017, Coast Guard Sector Upper Mississippi River received an application for a marine event from International Outboard Grand Prix for the Grand Prix of Omaha and Regatta Festival. The event is scheduled to take place over three days, July 7, 8, and 9, 2017, on the Missouri River between the cities of Omaha, NE and Council Bluffs, IA. High speed boat practices and races will take place during the hours of 3 to 5 p.m. on July 7, 11:30 a.m. to 6 p.m. on July 8, and 11 a.m. to 5:30 p.m. on July 9.

Hazards from this race include impediment of the navigational channel and high speed vessels participating in the race. The Captain of the Port Upper Mississippi River (COTP) has determined that potential hazards associated with the race would be a safety concern for anyone transiting through the race course.

The purpose of this proposed rulemaking is to ensure the safety of vessels and the navigable waters between miles 616 and 617 before, during, and after the scheduled event. The Coast Guard proposes this proposed rulemaking under authority in 33 U.S.C. 1231.

## III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 3 p.m. on July 7, 2017 through 5:30 p.m. on July 9, 2017. The zone would be enforced from 3 to 5 p.m. on July 7, 2017, 11:30 a.m. to 6 p.m. on July 8, 2017, and 11 a.m. to 5:30 p.m. on July 9, 2017. The safety zone would cover all navigable waters between miles 616 and 617 on the Missouri River in Council Bluffs, IA and Omaha, NE. The duration of the zone is intended to ensure the safety of vessels and participants on the navigable waters before, during, and after the scheduled high speed boat practices and races. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

## IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders and we discuss First Amendment rights of protestors.

### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. This proposed rule would have minimal impact on waterway traffic because it would be in effect for two hours on the first day and six and a half hours on both the second and third days, during daylight hours and restricts transit in and through a section of the Missouri River extending one mile. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners (BNM) via VHF-FM marine channel 16 about the zone, and the proposed rule would allow vessels to seek permission to enter the zone. The racing events on July 8 and 9, 2017, will take place in heats, allowing time for vessels affected by the closure to transit the area between heats when deemed safe by on-scene representatives of the COTP.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A. above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it,

please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule would have implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the

aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of the rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting for two hours on the first day and six and a half hours on both the second and third days that would prohibit entry over a one mile area of river. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.ID. A preliminary environmental analysis checklist and Record of Environmental Consideration are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this proposed rulemaking. If you submit a comment, please include the docket number for this proposed rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material

cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T08–0318 to read as follows:

##### § 165.T08–0318 **Safety Zone; Missouri River between miles 616 and 617, Council Bluffs, IA and Omaha, NE.**

(a) *Location.* The following area is a safety zone: All navigable waters of the Missouri River between miles 616 and 617, from surface to bottom, Council Bluffs, IA and Omaha, NE.

(b) *Definitions.* As used in this section, a “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Upper Mississippi River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of

this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16, or through Coast Guard Sector Upper Mississippi River at 314–269–2332. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 3 p.m. to 5 p.m. on July 7, 2017, 11:30 a.m. to 6 p.m. on July 8, 2017, and 11 a.m. to 5:30 p.m. on July 9, 2017.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone.

Dated: May 4, 2017.

**M.L. Malloy,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Upper Mississippi.*

[FR Doc. 2017–09693 Filed 5–12–17; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2017–0079]

**RIN 1625–AA87**

##### **Security Zone; Delaware River, Schuylkill River; Philadelphia, PA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent security zone within portions of the Delaware River, and Schuylkill River, for the protection of Very Important Persons (VIP) who arrive and depart from Philadelphia International Airport, Philadelphia, PA. This rule is necessary to expedite the establishment and enforcement of the security zones when short notice is received by the Coast Guard for VIP(s) traveling to the Philadelphia area. This rule will ensure safety and security for the visiting VIP. The permanent security zone will be enforced only during times of VIP transit and will restrict vessel traffic while the zone is being enforced. Only vessels or people specifically authorized by the Captain of the Port, Delaware Bay, or designated representative may enter or remain in the regulated area.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 14, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2017–0079 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rulemaking, call or email Petty Officer Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, Coast Guard; telephone (215)271–4814, email [Amanda.N.Boone@uscg.mil](mailto:Amanda.N.Boone@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Table of Abbreviations**

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code  
COTP Captain of the Port  
VIP Very Important Persons

##### **II. Background, Purpose, and Legal Basis**

On occasion VIP(s) will arrive and depart Philadelphia International Airport, Philadelphia, PA, located within Coast Guard Sector Delaware Bay Captain of the Port (COTP) zone. These VIP visits require the implementation of heightened security measures for protection of VIP(s) who may travel over or on portions of the Delaware River and Schuylkill River.

The purpose of this rulemaking is to protect the VIP and the public from destruction, loss, or injury from sabotage, subversive acts, or other malicious or potential terrorist acts.

The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

##### **III. Discussion of Proposed Rule**

The Coast Guard proposes to establish a permanent security zone within portions of the Delaware River and Schuylkill River for the protection of VIP's who arrive and depart from Philadelphia International Airport, Philadelphia, PA. This rule is necessary to expedite the establishment and enforcement of security zones when short notice is provided to the COTP for

VIPs traveling to or from Philadelphia include the following areas:

(1) All waters of the Delaware River in the vicinity of Philadelphia International airport, within an area bound to the west by a line drawn from the New Jersey shoreline at Thompson Point, latitude 39°50'37" N., longitude 75°18'23" W., thence northwest to the Pennsylvania shoreline at latitude 39°51'45" N., longitude 75°18'46" W.; thence up river and bound shoreline to shoreline; bound to the east by a line drawn from the New Jersey shoreline at latitude 39°52'28" N., longitude 75°11'14" W., and thence northwest to the Pennsylvania shoreline near the eastern side of mouth to the Schuylkill River at latitude 39°53'05" N., longitude 75°11'34" W.; the security zone extends north into the waters of Schuylkill River, bound from shoreline to shoreline, including the waters of Schuylkill River adjacent to the Navy Yard Reserve Basin Bridge, and terminates along a line drawn from latitude 39°54'04" N., longitude 75°12'56" W., thence eastward across the Schuylkill River to latitude 39°54'07" N., longitude 75°12'48" W., located approximately 500 yards northwest and parallel with the George C. Platt Memorial—Penrose Avenue lift-bridge.

#### IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This NPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

The Coast Guard determined that this rulemaking would not be a significant regulatory action for the following reasons: Although the security zone area covers only a large portion of the navigable waterways, mariners may request permission from COTP Coast Guard Sector Delaware Bay or the

designated representative to transit or remain in the security zone. Furthermore the duration of the security zone would not significantly impact vessel because of the small amount of time it takes for VIP transits to and from the airport. Advance notifications would be made to the local maritime community by issuance of Local Notice to Mariners, Broadcast Notice to Mariners, Marine information and facsimile broadcasts so mariners can adjust their plans accordingly.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the security zone may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

##### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

##### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

##### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

##### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule adjusts rates in accordance with applicable statutory and regulatory mandates. Normally such actions are categorically excluded from further review under section 2.B.2, and figure 2–1, paragraph

34(g) of the Instruction. Paragraph 34(a) pertains to minor regulatory changes that are editorial or procedural in nature. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.557 to read as follows:

##### § 165.557 Security Zone; Delaware River, and Schuylkill River, Philadelphia, PA.

(a) *Location.* The following areas are security zones: All waters of the Delaware River in the vicinity of Philadelphia International airport, within an area bound to the west by a line drawn from the New Jersey shoreline at Thompson Point, latitude 39°50'37" N., longitude 75°18'23" W., thence northwest to the Pennsylvania shoreline at latitude 39°51'45" N., longitude 75°18'46" W.; thence up river and bound shoreline to shoreline; bound to the east by a line drawn from the New Jersey shoreline at latitude 39°52'28" N., longitude 75°11'14" W., and thence northwest to the Pennsylvania shoreline near the eastern side of mouth to the Schuylkill River at latitude 39°53'05" N., longitude 75°11'34" W.; the security zone extends north into the waters of Schuylkill River, bound from shoreline to shoreline, including the waters of Schuylkill River adjacent to the Navy Yard Reserve Basin Bridge, and terminates along a line drawn from latitude 39°54'04" N., longitude 75°12'56" W., thence eastward across the Schuylkill River to latitude 39°54'07" N., longitude 75°12'48" W., located approximately 500 yards northwest and parallel with the George C. Platt Memorial—Penrose Avenue lift-bridge.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A designated representative is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard

Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, State, or local law enforcement vessels assigned or approved by the COTP.

(c) *Regulations.* (1) In accordance with the general regulations contained in § 165.33, entry into or movement within this zone is prohibited unless authorized by the COTP, Sector Delaware Bay or designated representative.

(2) To request permission to enter the regulated area contact the COTP or the COTP's representative on VHF–FM channel 16. Vessel operators and persons within the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. No person may swim upon or below the surface of the water of this security zone unless authorized by the COTP or his designated representative.

(3) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with lawful direction may result in expulsion from the regulated area, citation for failure to comply, or both.

(d) *Enforcement.* This security zone will be enforced with actual notice by the U.S. Coast Guard representatives on scene, as well as other methods listed in 33 CFR 165.7.

Dated: May 8, 2017.

**Benjamin A. Cooper,**  
Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2017–09763 Filed 5–12–17; 8:45 am]

**BILLING CODE 9110–04–P**

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[EPA–R06–OAR–2017–0054; FRL–9960–14–Region 6]

#### Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the

Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Texas for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The SIP revision being proposed for approval describes how CAA requirements for vehicle inspection and maintenance (I/M), nonattainment new source review (NNSR) and emission statements are met in the Houston-Galveston-Brazoria ozone nonattainment area (HGB area) for the 2008 ozone NAAQS. EPA is also proposing to make a ministerial correction to the Code of Federal Regulations (CFR) to accurately reflect approved SIP revisions that pertain to Texas I/M provisions.

**DATES:** Written comments should be received on or before June 14, 2017.

**ADDRESSES:** Submit your comments, identified by EPA-R06-OAR-2017-0054, at <http://www.regulations.gov> or via email to [young.carl@epa.gov](mailto:young.carl@epa.gov). For additional information on how to submit comments see the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Carl Young, (214) 665-6645, [young.carl@epa.gov](mailto:young.carl@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, the EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: April 14, 2017.

**Samuel Coleman,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 2017-09473 Filed 5-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Part 412

[CMS-1671-P]

RIN 0938-AS99

### Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2018

#### Correction

In proposed rule document 2017-08428 beginning on page 20690 in the issue of Wednesday, make the following correction:

On page 20705, in table 6, the heading for columns two and three, should respectively read "Rural Facility A (Spencer Co., IN)" and "Urban Facility B (Harrison Co., IN)" respectively.

[FR Doc. C1-2017-08428 Filed 5-12-17; 8:45 am]

**BILLING CODE 1505-01-D**



# Notices

Federal Register

Vol. 82, No. 92

Monday, May 15, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### United States Standards for Lentils

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice; request for public comment.

**SUMMARY:** The United States Department of Agriculture's (USDA) Grain Inspection, Packers, and Stockyards Administration (GIPSA) is proposing a revision to the United States Standards for Lentils to (1) establish an additional grading factor, definition, grade requirements, and visual reference images for "wrinkled lentils," and (2) establish a special grade, definition, special grade requirements, designation, and visual reference images for "green lentils." These revisions are being proposed at the request of the lentil industry. GIPSA believes that this proposed revision of the United States Standards for Lentils would improve the application of the standards and facilitate the marketing of lentils.

**DATES:** GIPSA will consider comments received by June 14, 2017.

**ADDRESSES:** GIPSA invites all interested parties to submit comments on this Notice. You may submit comments by any of the following methods:

- *Mail:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530-S, Washington, DC 20250-3613.
- *Hand Delivery or Courier:* M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530-S, Washington, DC 20250-3613.
- *Internet:* <http://www.regulations.gov>.

Follow the on-line instructions for submitting comments.

*Instructions:* All comments should make reference to the date and page number of this issue of the **Federal Register**. All documents and comments relating to this Notice are available for public inspection in Room 2530-S, 1400 Independence Avenue SW., Washington, DC 20250-3613 during regular business hours (7 CFR 1.27(b)). All comments received will be included in the public docket without change, including any personal information provided. Please call the GIPSA Management and Budget Services support staff (202) 720-8479 for an appointment to view the comments.

**FOR FURTHER INFORMATION CONTACT:** Beverly A. Whalen at GIPSA, USDA, 10383 N. Ambassador Drive, Kansas City, MO 64153; Telephone: (816) 659-8410; Fax: (816) 872-1258; [Beverly.A.Whalen@usda.gov](mailto:Beverly.A.Whalen@usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946, as amended, (AMA), directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." GIPSA is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities.

Under the AMA, GIPSA establishes standards for graded commodities including rice, whole dry peas, split peas, feed peas, lentils, and beans. The AMA standards are voluntary and widely used in private contracts, government procurement, marketing communication, and/or consumer information. The standards serve as a common trading language to define commodity quality in the domestic and global marketplace.

#### Background

GIPSA engages in regular outreach with stakeholders to ensure commodity standards maintain relevance with the modern market. Lentil industry stakeholders include the USA Dry Pea and Lentil Council (USADPLC), a national organization of producers, processors, and exporters of U.S. dry

peas, lentils, and chickpeas; the US Dry Pea and Lentil Trade Association (USPLTA), a national association representing processors, traders, and transporters in the pea, lentil and chickpea industry; and, other handlers and merchandisers.

The United States Standards for Lentils are found on GIPSA's Web site at <https://www.gipsa.usda.gov/fgis/standards/lentils.pdf>. USADPLC and USPLTA reviewed the U.S. Standards for Lentils, which were last revised in 2008. The review resulted in those stakeholders jointly recommending that GIPSA revise the standards based on changing market trends. Specifically, these groups asked GIPSA to (1) establish a new grading factor of "wrinkled lentils," and (2) establish a new special grade of "green lentils."

GIPSA provides official inspection procedures for lentils in the Pea and Lentil Handbook, which is available on the GIPSA's public Web site at [https://www.gipsa.usda.gov/fgis/handbook/PeaLentilHB/PeaLentil\\_2016-07-11.pdf](https://www.gipsa.usda.gov/fgis/handbook/PeaLentilHB/PeaLentil_2016-07-11.pdf).

#### Establishment of Grading Factor "Wrinkled Lentils"

USADPLC and USPLTA reported on a trend of an increasing percentage of fully developed lentils that possess a wrinkled seed coat. These lentils do not meet the definition for immature lentils. Under the current U.S. Standards for Lentils, these lentils would grade U.S. #1; however, the wrinkled appearance is considered undesirable. The stakeholders jointly recommended that GIPSA establish a new grade determining factor "wrinkled lentil," and also recommended factor limits for grades No's. 1, 2, and 3. GIPSA and these stakeholders collaborated to develop a visual reference image that best reflects the "wrinkled lentil" condition. Stakeholders endorsed the following definition:

*Wrinkled lentils* are sound lentils that are substantially wrinkled on at least 50 percent of one side.

The revised table of grade and grade requirements for dockage-free lentils would be as follows:

## 607 GRADES AND GRADE REQUIREMENTS FOR DOCKAGE-FREE LENTILS

Grading factors	Grades U.S. Nos.		
	1	2	3
Defective Lentils			
Total <sup>1</sup> .....	2.0	3.5	5.0
Weevil-Damaged Lentils .....	0.3	0.8	0.8
Heat-Damaged Lentils .....	0.2	0.5	1.0
Foreign Material			
Total <sup>2</sup> .....	0.2	0.5	0.5
Stones .....	0.1	0.2	0.2
Skinned Lentils .....	4.0	7.0	10.0
Wrinkled Lentils <sup>3</sup> .....	5.0	10.0	>10.0
Contrasting Lentils <sup>4</sup> .....	2.0	4.0	>4.0
Inconspicuous Admixture .....	0.5	0.8	1.0
Minimum Requirements for Color .....	Good	Fair	Poor

U.S. Sample grade lentils:

- (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or  
 (b) Contain more than 14.0 percent moisture, live weevils, or other live insects, metal fragments, broken glass, or a commercially objectionable odor; or  
 (c) Are materially weathered, heating, or distinctly low quality.

<sup>1</sup> Defective lentils total is weevil-damaged, heat-damaged, damaged, and split lentils combined.

<sup>2</sup> Foreign material total includes stones.

<sup>3</sup> Lentils with more than 10.0 percent wrinkled lentils must grade no higher than U.S. No. 3.

<sup>4</sup> Lentils with more than 4.0 percent contrasting lentils must grade no higher than U.S. No. 3.

### Establishment of Special Grade “Green Lentils”

The USPLTA Grades Committee members recommended that GIPSA establish a special grade, “green lentils.” Lentil stakeholders concurred on the need for a special grade to distinguish a desirable aesthetic feature. GIPSA and these stakeholders collaborated to develop a visual reference image that best reflects the “green lentils” condition. Stakeholder endorsed the following definition:

*Green lentils* are clear seeded (non-mottled) and possess a natural, uniformly green color.

### Proposed GIPSA Action

Based on input from stakeholder organizations in the lentil industry that concurred on the need for revisions to the United States Standards for Lentils, GIPSA proposes to revise the lentil standards to (1) establish a new grade determining factor, definition, factor limits, and visual reference image for “wrinkled lentils,” and (2) establish a special grade, definition, designation, and visual reference image for “green lentils.” Accordingly, GIPSA proposes the following revisions:

Section 601, Definitions, would be amended to include the definition of “Wrinkled lentils.”

Section 607, Grades and grade requirements for dockage-free lentils, would be amended to include grade limits for “Wrinkled lentils.”

Section 609, Special grades and requirements, would be amended to

include the definition of “Green lentils.”

GIPSA will solicit comments for 30 days. All comments received within the comment period will be made part of the public record maintained by GIPSA, will be available to the public for review, and will be considered by GIPSA before final action is taken on the proposal.

The Pea and Lentil Handbook would be revised to incorporate any revision to the standards.

**Authority:** 7 U.S.C. 1621–1627.

**Randall D. Jones,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2017–09720 Filed 5–12–17; 8:45 am]

**BILLING CODE 3410-KD-P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### United States Standards for Beans

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice; request for public comment.

**SUMMARY:** The United States Department of Agriculture’s (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is proposing a revision to the United States Standards for Beans to (1) establish a class and grade requirement chart for “chickpeas,” also known as “garbanzo

beans,” and (2) establish a new grade determining factor, definition, factor limits, and visual reference image for “contrasting chickpeas.” These revisions are being proposed at the request of the pea and lentil industry, and are supported by the bean industry. GIPSA believes that this proposed revision of the United States Standards for Beans would facilitate the marketing of chickpeas and improve the application of the standards.

**DATES:** GIPSA will consider comments received by June 14, 2017.

**ADDRESSES:** GIPSA invites all interested parties submit comments on this Notice. You may submit comments by any of the following methods:

- **Mail:** M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.

- **Hand Delivery or Courier:** M. Irene Omade, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530–S, Washington, DC 20250–3613.

- **Internet:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

**Instructions:** All comments should make reference to the date and page number of this issue of the **Federal Register**. All documents and comments relating to this Notice are available for public inspection in Room 2530–S, 1400 Independence Avenue SW., Washington, DC 20250–3613 during regular business hours (7 CFR 1.27(b)). All comments received will be included in the public docket without change, including any personal information

provided. Please call the GIPSA Management and Budget Services support staff (202) 720-8479 for an appointment to view the comments.

**FOR FURTHER INFORMATION CONTACT:** Beverly A. Whalen at GIPSA, USDA, 10383 N. Ambassador Drive, Kansas City, MO 64153; Telephone: (816) 659-8410; Fax: (816) 872-1258; [Beverly.A.Whalen@usda.gov](mailto:Beverly.A.Whalen@usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946, as amended, (AMA), directs and authorizes the Secretary of Agriculture “To develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.” GIPSA is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities.

Under the AMA, GIPSA establishes standards for graded commodities including rice, whole dry peas, split peas, feed peas, lentils, and beans. The AMA standards are voluntary and widely used in private contracts, government procurement, marketing communication, and/or consumer information. The standards serve as a common trading language to define commodity quality in the domestic and global marketplace.

#### Background

GIPSA engages in regular outreach with stakeholders to ensure commodity

standards maintain relevance with the modern market. Chickpea industry stakeholders include the USA Dry Pea and Lentil Council (USADPLC), a national organization of producers, processors, and exporters of U.S. dry peas, lentils, and chickpeas; the US Dry Pea and Lentil Trade Association (USPLTA), a national association representing processors, traders, and transporters in the pea, lentil and chickpea industry; and the US Dry Bean Council (USDBC), representing the U.S. dry bean industry, including growers, shippers, dealers, canners, state, and regional trade associations.

The United States Standards for Beans are found on GIPSA’s public Web site at: <https://www.gipsa.usda.gov/fgis/standards/Bean-Standards.pdf>.

USDPLC and USPLTA reviewed the United States Standards for Beans, which were last revised in 2008. According to information received by GIPSA from these stakeholders, chickpea acreage has expanded in the U.S. rapidly over the last several years and is expected to increase in 2017. Consequently, the stakeholders communicated the need to establish “chickpeas” as a specific class in order to better define them in the marketplace.

Currently, chickpeas are graded under the Miscellaneous Bean standard. This is confusing to the market because GIPSA issues an “AMA Commodity Inspection Certificate” providing the commonly accepted commercial name, “chickpea” or “garbanzo” as the class on the certificate grade line.

Specifically, these groups asked GIPSA to (1) establish a class and grade requirement chart for “chickpeas,” (2) use the terms “chickpeas” and “garbanzo beans” interchangeably, and (3) establish a new grade determining factor, definition, factor limits, and visual reference image for “contrasting chickpeas.”

GIPSA provides official inspection procedures for beans in the Bean Handbook, found on GIPSA’s public Web site at: [https://www.gipsa.usda.gov/fgis/handbook/BeanHB/BeanHandbook\\_2016-02-23.pdf](https://www.gipsa.usda.gov/fgis/handbook/BeanHB/BeanHandbook_2016-02-23.pdf).

#### Establishment of Class “Chickpeas”

The stakeholders jointly recommended that GIPSA establish a new class and grade requirement chart for “chickpea,” and also recommended a new grade determining factor, definition, and factor limits for grades No’s 1, 2, and 3 for “contrasting chickpeas.” GIPSA and these stakeholders collaborated to develop a visual reference image that best reflects the “contrasting chickpeas” condition. The stakeholder endorsed the following definition:

*Contrasting chickpeas* are chickpeas that differ substantially in shape or color.

The table of grade and grade requirements for Chickpeas (Garbanzo Beans) would be:

135 GRADES AND GRADE REQUIREMENTS FOR THE CLASS CHICKPEA  
[Garbanzo Bean]

Grade	Percent maximum limits of—						
	Moisture <sup>1</sup>	Total defects (total damaged, total foreign material, contrasting classes, & Splits)	Total damaged	Foreign material		Contrasting classes <sup>2</sup>	Contrasting chickpeas <sup>3</sup>
				Total (including stones)	Stones		
U.S. No. 1 .....	18.0	2.0	2.0	0.5	0.2	0.5	1.0
U.S. No. 2 .....	18.0	4.0	4.0	1.0	0.4	1.0	2.0
U.S. No. 3 .....	18.0	6.0	6.0	1.5	0.6	2.0	5.0

*U.S. Substandard* are beans that do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans that are not well screened must also be U.S. Substandard, except for beans that meet the requirements for U.S. Sample grade.

*U.S. Sample grade* are beans that are musty, sour, heating, materially weathered, or weevily; have any commercially objectionable odor that contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or are otherwise of distinctly low quality.

<sup>1</sup> Beans with more than 18.0 percent moisture are graded high moisture.

<sup>2</sup> Beans with more than 2.0 percent contrasting classes are graded mixed beans.

<sup>3</sup> Beans with more than 5.0 percent contrasting chickpeas are graded mixed beans.

#### Proposed GIPSA Action

Based on input from stakeholder organizations in the pea and bean

industry who concurred on the need for revisions to the United States Standards for Beans, GIPSA proposes to revise the

bean standards to (1) establish a class and grade requirement chart for chickpeas and (2) establish a new grade

determining factor, definition, factor limits, and visual reference image for contrasting chickpeas.

*Under Terms Defined:*

Section 102, Classes, would be amended to include Chickpeas (Garbanzo Beans). A new Section 122, Contrasting Chickpeas would be added.

*Under Principles Governing Application of the Standards:*

Current Sections 122, 123, and 124 would be renumbered to 123, 124, and 125 with no change to the text.

*Under Grades, Grade Requirements, Grade Designations, Special Grades, and Special Grade Requirements:*

Current Sections 125, 126, 127, 128, 129, 130, 131, 132, and 133 would be renumbered to 126, 127, 128, 129, 130, 131, 132, 133, 134, with no change to the text.

A new Section 135, Grade and grade requirements for the class Chickpeas (Garbanzo Beans) would be added.

Current Sections 134 and 135 would be renumbered to 136 and 137, respectively, with no change to the text.

GIPSA will solicit comments for 30 days. All comments received within the comment period will be made part of the public record maintained by GIPSA, will be available to the public for review, and will be considered by GIPSA before a final action is taken on this proposal.

The Bean Handbook would be revised to incorporate any revision to the standards.

**Authority:** 7 U.S.C. 1621–1627.

**Randall D. Jones,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2017–09721 Filed 5–12–17; 8:45 am]

**BILLING CODE 3410-KD-P**

## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

### Sunshine Act Meeting

**TIME AND DATE:** June 8, 2017, 1:00 p.m. EDT

**PLACE:** U.S. Chemical Safety Board, 1750 Pennsylvania Ave. NW., Suite 910, Washington, DC 20006.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on June 8, 2017, starting at 1:00 p.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW., Suite 910. The Board will vote to change the status of three recommendations that were

calendared for public consideration. The recommendations are related to the 2012 Chevron Richmond Refinery investigation (2012–03–I–CA–R28) and the 2013 Williams Olefins investigation (2013–03–I–LA–R1 and R3). The Board will also provide an overview of its participation in Safe and Sound Week. An opportunity for public comment will be provided.

### Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the “Contact Person for Further Information,” at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference: (888) 862–6557 Confirmation Number 44851150#.

The CSB is an independent, non-regulatory federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency’s Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

### Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to three minutes or less, but commenters may submit written statements for the record.

### Contact Person for Further Information

Hillary Cohen, Communication Manager, at [public@csb.gov](mailto:public@csb.gov) or (202) 446–8094. Further information about this public meeting can be found on the CSB Web site at: [www.csb.gov](http://www.csb.gov).

Dated: May 10, 2017.

**Kara A. Wenzel,**

*Acting General Counsel, Chemical Safety and Hazard Investigation Board.*

[FR Doc. 2017–09836 Filed 5–11–17; 11:15 am]

**BILLING CODE 6350–01–P**

## DEPARTMENT OF COMMERCE

### Census Bureau

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* American Community Survey Methods Panel Tests, 2017 Adaptive Strategy Test.

*OMB Control Number:* 0607–0936.

*Form Number(s):* ACS–1, ACS CATI, ACS CAPI, ACS Internet.

*Type of Request:* Non-substantive Change Request.

*Number of Respondents:* 288,000.

*Average Hours per Response:* 40 minutes.

*Burden Hours:* No additional burden hours are requested under this non-substantive change request.

*Needs and Uses:* The American Community Survey (ACS) collects detailed socioeconomic data from about 3.5 million households in the United States and 36,000 in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 195,000 residents living in Group Quarter (GQ) facilities. An ongoing data collection effort with an annual sample of this magnitude requires that the ACS continue research, testing, and evaluations aimed at reducing respondent burden, improving data quality, achieving survey cost efficiencies, and improving ACS questionnaire content and related data collection materials. The ACS Methods Panel is a research program that is designed to address and respond to issues and survey needs.

Residents of sampled housing units are initially invited to self-respond to the survey through a series of mailings. Mail materials are sent to sampled housing units using an internet push strategy. This method encourages households to respond via Internet in the first two mailings and then provides a paper questionnaire in the third (sent about two weeks after the first mailing), followed by additional reminders. The internet was added as a mode of data collection to the ACS in 2013. The addition of this mode helped lower the data collection costs for the ACS and provided a convenient way for respondents to complete the survey. However, this frustrates some respondents who do not have Internet

access or prefer to respond by paper. In fact, the addition of the internet mode resulted in self-response rates decreasing in certain areas (Baumgardner, S., Griffin, D., & Raglin, D. 2014. "The Effects of Adding an Internet Response Option to the American Community Survey", 2014 American Community Survey Research and Evaluation Report Memorandum Series, ACS14–RER–21. Retrieved March 6, 2017 from [https://www.census.gov/library/working-papers/2014/acs/2014\\_Baumgardner\\_04.html](https://www.census.gov/library/working-papers/2014/acs/2014_Baumgardner_04.html)). Those less likely to respond by internet include those 65 and older, adults with less than a high school education, and those living in households with a total income of less than \$20,000 (Pew Research Center, September 22, 2015). "Coverage Error in Internet Surveys." Retrieved on March 15, 2017 from <http://www.pewresearch.org/2015/09/22/coverage-error-in-internet-surveys>).

The Census Bureau seeks to test an additional mailing strategy in areas with a low likelihood to respond via the internet. The new strategy would involve mailing a paper questionnaire to these areas earlier in the mailing process, giving households the option to respond by paper or via the internet. This strategy is called the Choice method. The purpose of this test is to study the impact of offering a choice in response modes on self-response, cost, and the precision of the estimates. The Census Bureau proposes to test this strategy as part of the October 2017 ACS production panel (clearance number: 0607–0810, expires 6/30/2018). Thus, there is no increase in burden from this test since it will result in the same burden estimate per interview (40 minutes).

Census tracts will be identified as Choice census tracts based on a method similar to that being developed for the 2020 Census that looks at varying combinations of low availability of high-speed internet connections, historically low ACS survey response via the internet, and a large proportion of the population aged 65 and older, for example. Based on current analysis and estimates, of the over 70,000 tracts in the United States, approximately 33 percent would be identified as Choice tracts. Of the approximately 288,000 housing units in a given month of ACS sample, approximately 100,000 would be in the Choice tracts. For testing purposes, approximately half of the housing units in Choice tracts will be sent the choice mailing materials, while the other half will receive production mailing materials. All households in tracts not selected to receive the Choice

method will receive the current production materials following the Push mailing strategy.

The Census Bureau proposes to evaluate mailing strategies by comparing self-response rates and by comparing the final response rates, which include responses obtained via interviewer modes. This will help determine the impact of offering a paper questionnaire earlier in the mailout process. For this comparison, a two-tailed test (at the  $\alpha = 0.1$  level) will be used so that the Census Bureau can measure the impact on the evaluation measure in either direction with 80 percent power. The sample size will be able to detect differences of approximately 1 percentage point between the self-response return rates of the identified tracts receiving the Push materials versus those receiving the Choice materials. Additional metrics of interest include response rates by sub-groups, overall costs, and the impact on reliability of the ACS estimates.

*Affected Public:* Individuals or households.

*Frequency:* One-time test as part of the monthly American Community Survey.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, United States Code, Sections 141, 193, and 221.

*This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov).* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395–5806.

**Sheleen Dumas,**

*PRA Departmental Lead, Office of the Chief Information Officer.*

[FR Doc. 2017–09727 Filed 5–12–17; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–580–886]

### Ferrovanadium From the Republic of Korea: Antidumping Duty Order

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** Based on an affirmative final determination by the Department of Commerce (the Department) and an affirmative final determination by the International Trade Commission (the

ITC), the Department is issuing an antidumping duty order on ferrovanadium from the Republic of Korea (Korea).

**DATES:** Effective May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Karine Gziryan or Eli Lovely, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4081 or (202) 482–1593, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on March 23, 2017, the Department published its final affirmative determination of sales at less-than-fair-value (LTFV) with respect to ferrovanadium from Korea.<sup>1</sup> On May 8, 2017, the ITC notified the Department of its final affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of ferrovanadium from Korea.<sup>2</sup>

#### Scope of the Order

The product covered by this order is all ferrovanadium regardless of grade (*i.e.*, percentage of contained vanadium), chemistry, form, shape, or size. Ferrovanadium is an alloy of iron and vanadium. Ferrovanadium is classified under Harmonized Tariff Schedule of the United States ("HTSUS") item number 7202.92.0000. Although this HTSUS item number is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### Antidumping Duty Order

As stated above, on May 8, 2017, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination that the industry in the United States producing ferrovanadium is materially injured by reason of the LTFV imports of ferrovanadium from Korea.<sup>3</sup> Therefore, in accordance with section 735(c)(2) of the Act, the Department is issuing this

<sup>1</sup> See *Ferrovanadium From the Republic of Korea: Final Determination of Sales at Less Than Fair Value*, 82 FR 14874 (March 23, 2017).

<sup>2</sup> See Letter to Ronald Lorentzen, Acting Assistant Secretary of Commerce for Enforcement and Compliance, from Rhonda K. Schmidlein, Chairman of the U.S. International Trade Commission, regarding ferrovanadium from the Republic of Korea (April 08, 2017).

<sup>3</sup> *Id.*

antidumping duty order. Because the ITC determined that imports of ferrovanadium from Korea are materially injuring a U.S. industry, unliquidated entries of such merchandise from Korea entered, or withdrawn from warehouse, for consumption are subject to the assessment of antidumping duties.

As a result of the ITC's final affirmative determination, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise, for all relevant entries of ferrovanadium from Korea. Antidumping duties will be assessed on unliquidated entries of ferrovanadium from Korea entered, or withdrawn from warehouse, for consumption on or after November 1, 2016, the date of publication of the *Preliminary Determination*,<sup>4</sup> but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination as further described below.

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to continue to suspend liquidation on all relevant entries of ferrovanadium from Korea. These instructions suspending liquidation will remain in effect until further notice.

The Department will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins listed below.<sup>5</sup> The all-others rate applies to all producers or exporters not specifically listed.

#### Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination

may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of an exporter accounting for a significant proportion of ferrovanadium from Korea, the Department extended the four-month period to six months.<sup>6</sup> The Department published the *Preliminary Determination* in this investigation on November 1, 2016. Therefore, the extended period, beginning on the date of publication of the *Preliminary Determination*, ended on April 29, 2017. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act and our practice, the Department will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of ferrovanadium from Korea entered, or withdrawn from warehouse, for consumption after April 29, 2017, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

#### Estimated Weighted-Average Dumping Margins

The estimated weighted-average antidumping duty margins are as follows:

Exporter/Producer	Weighted-average dumping margins (percent)
Korvan Ind. Co., Ltd. ....	3.22
Fortune Metallurgical Group Co., Ltd. ....	54.69
Woojin Ind. Co., Ltd. ....	54.69
All-Others .....	3.22

#### Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to ferrovanadium from Korea pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: May 9, 2017.

**Gary Taverman,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017-09745 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Civil Nuclear Trade Advisory Committee: Meeting of the Civil Nuclear Trade Advisory Committee

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

**DATES:** The meeting is scheduled for Thursday June 1, 2017, from 11:00 a.m. to 12:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Friday, May 26, 2017.

**ADDRESSES:** The meeting will be held via conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Room 20010, 1401 Constitution Ave. NW., Washington, DC 20230. (Fax: 202-482-5665; email: [jonathan.chesebro@trade.gov](mailto:jonathan.chesebro@trade.gov)). Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Room 20010, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202-482-1297; Fax: 202-482-5665; email: [jonathan.chesebro@trade.gov](mailto:jonathan.chesebro@trade.gov)).

#### SUPPLEMENTARY INFORMATION:

*Background:* The CINTAC was established under the discretionary

<sup>4</sup> See *Ferrovanadium from the Republic of Korea: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination and Extension of Provisional Measures*, 81 FR 75806 (November 1, 2016) ("Preliminary Determination").

<sup>5</sup> See Section 736(a)(3) of the Act.

<sup>6</sup> See *Preliminary Determination*.

authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.). Commerce and industry identified a need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations. CINTAC's recommendations include advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

*Topics to be considered:* The agenda for the Thursday, June 1, 2017 CINTAC meeting is as follows: Discussion on activities related to the U.S. Department of Commerce's Civil Nuclear Trade Initiative.

Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EDT on Friday, May 26, 2017 in order to pre-register.

A limited amount of time will be available for brief oral comments from members of the public participating in the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 20 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, May 26, 2017. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 20010, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, May 26, 2017. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

**Man Cho,**

*Deputy Director, Office of Energy and Environmental Industries.*

[FR Doc. 2017-09762 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-971]

#### Multilayered Wood Flooring From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Department) has completed its administrative review of the countervailing duty (CVD) order on multilayered wood flooring (MLWF) from the People's Republic of China (PRC) for the January 1, 2014, through December 31, 2014, period of review (POR). We have determined that mandatory respondents Dalian Penghong Floor Products Co., Ltd. (Penghong) and Fine Furniture (Shanghai) Limited (Fine Furniture), and their cross-owned affiliates, where applicable, received countervailable subsidies during the POR. The final net subsidy rates are listed below in "Final Results of Administrative Review." We are also rescinding the review for three companies that timely certified they made no shipments of subject merchandise during the POR.

**DATES:** Effective May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure or Sergio Balbontin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-6478, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department selected Penghong and Fine Furniture as mandatory respondents in this administrative review of the CVD Order on MLWF from the PRC.<sup>1</sup> The Department published

<sup>1</sup> See *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order*, 76 FR 76693 (December 8, 2011); see also

the *Preliminary Results* of the administrative review in the **Federal Register** on January 9, 2017.<sup>2</sup> We invited interested parties to comment on the *Preliminary Results*. On February 8, 2017, we received case briefs from the Government of the People's Republic of China (GOC) and Fine Furniture.<sup>3</sup> No party filed a rebuttal brief.

##### Scope of the Order

The product covered by the Order is multilayered wood flooring from the PRC. For a complete description of the scope of the order, see the Issues and Decision Memorandum.<sup>4</sup>

##### Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed is attached to this notice at Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and in the Central Records Unit, Room B8024 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

##### Methodology

The Department conducted this review in accordance with section

*Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders*, 77 FR 5484 (February 3, 2012), wherein the scope of the Order was modified (collectively, *Order*).

<sup>2</sup> See *Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent to Rescind the Review in Part; 2014*, 82 FR 2319 (January 9, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>3</sup> See Letters from the GOC, "Case Brief of the Government of the People's Republic of China," and Fine Furniture, "Administrative Review of the Countervailing Duty Order on Multilayered Wood Flooring from the People's Republic of China: Case Brief," dated February 8, 2017.

<sup>4</sup> See Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Decision Memorandum for Final Results and Partial Rescission of Countervailing Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China; 2014" (Issues and Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

751(a)(1)(A) of the Tariff Act of 1930, as amended (Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>5</sup> The Issues and Decision Memorandum contains a full description of the methodology underlying the Department's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

#### Partial Rescission of Administrative Review

As noted in the *Preliminary Results*, the Department timely received no-shipment certifications from Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd., Shenyang Senwang Wooden Industry Co., Ltd., and Jiangsu Yuhui International Trade Co., Ltd. The Department stated its intention to rescind the review with respect to these companies. The Department inquired with U.S. Customs and Border Protection (CBP) whether these companies had shipped merchandise to the United States during the POR, and CBP provided no evidence to contradict the claims of no shipments made by these companies. Accordingly, the Department is rescinding the administrative review of these companies, pursuant to 19 CFR 351.213(d)(3).

As noted in the *Preliminary Results*, three additional companies also filed timely no-shipment certifications: Henan Xingwangjia, Technology Co., Ltd., Dalian Xinjinghua Wood Co., Ltd., and Xuzhou Antop International Trade Co., Ltd. However, we continue to determine that there is sufficient evidence on the record of this review to conclude that these companies had reviewable transactions during the POR. Therefore, we are continuing to include these companies in this administrative review for the final results.

#### Rate for Non-Selected Companies Under Review

In this review, in addition to the two selected mandatory respondents, there are 104 companies for which a review was requested and not rescinded, but which were not selected for individual examination (non-selected respondents). To determine a rate for the non-selected respondents, we followed the

Department's practice, which is to derive an average of the subsidy rates calculated for those companies selected for individual review, excluding *de minimis* rates or rates based entirely on adverse facts available. In this case, we assigned to the non-selected respondents the simple average of the rates calculated for Fine Furniture and Penghong. Instead of a weighted average, we are using a simple average as it provides a reasonable proxy for a weighted-average rate and protects business proprietary data otherwise necessary for deriving a weighted average.

#### Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(4)(i), we determine the following net subsidy rates for the 2014 administrative review.

Producer/exporter	Subsidy rate (percent)
Dalian Penghong Floor Products Co., Ltd. ....	1.45
Dalian Shumaiké Floor Manufacturing Co. Ltd. ....	
Fine Furniture (Shanghai) Limited	0.67

Review-Specific Average Rate  
Applicable to the Following Non-Selected Companies:

Producer/exporter	Subsidy rate (percent)
A&W (Shanghai) Woods Co., Ltd. ....	1.06
Anhui Boya Bamboo & Wood Products Co., Ltd. ....	1.06
Anhui Longhua Bamboo Product Co., Ltd. ....	1.06
Baishan Huafeng Wood Product Co., Ltd. ....	1.06
Baroque Timber Industries (Zhongshan) Co., Ltd. ....	1.06
Baiying Furniture Manufacturer Co., Ltd. ....	1.06
Benxi Wood Company ....	1.06
Changzhou Hawd Flooring Co., Ltd. ....	1.06
Cheng Hang Wood Co., Ltd. ....	1.06
Chinafloors Timber (China) Co., Ltd. ....	1.06
Dalian Dajen Wood Co., Ltd. ....	1.06
Dalian Huade Wood Product Co., Ltd. ....	1.06
Dalian Huilong Wooden Products Co., Ltd. ....	1.06
Dalian Jiahong Wood Industry Co., Ltd. ....	1.06
Dalian Jiuyuan Wood Industry Co., Ltd. ....	1.06
Dalian Kemian Wood Industry Co., Ltd. ....	1.06
Dalian T-Boom Wood Products Co., Ltd. ....	1.06
Dalian Xinjinghua Wood Co., Ltd. ....	1.06
Dongtai Fuan Universal Dynamics, LLC ....	1.06

Producer/exporter	Subsidy rate (percent)
Dongtai Zhangshi Wood Industry Co. Ltd. ....	1.06
Dun Hua City Jisen Wood Industry Co., Ltd. ....	1.06
Dun Hua Sen Tai Wood Co., Ltd. ....	1.06
Dunhua City Dexin Wood Industry Co., Ltd. ....	1.06
Dunhua City Hongyuan Wood Industry Co., Ltd. ....	1.06
Dunhua City Wanrong Wood Industry Co., Ltd. ....	1.06
Fu Lik Timber (HK) Co., Ltd. ....	1.06
Fusong Jinlong Wooden Group Co., Ltd. ....	1.06
Fusong Qianqiu Wooden Product Co., Ltd. ....	1.06
GTP International Ltd. ....	1.06
Guangdong Yihua Timber Industry Co., Ltd. ....	1.06
Guangzhou Homebon Timber Manufacturing Co., Ltd. ....	1.06
Guangzhou Panyu Kangda Board Co., Ltd. ....	1.06
Guangzhou Panyu Southern Star Co., Ltd. ....	1.06
HaiLin LinJing Wooden Products, Ltd. ....	1.06
HaiLin XinCheng Wooden Products, Ltd. ....	1.06
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.) ....	1.06
Hangzhou Hanje Tec Co., Ltd. ....	1.06
Hangzhou Huahi Wood Industry Co., Ltd. ....	1.06
Henan Xingwangjia Technology Co., Ltd. ....	1.06
Huber Engineering Wood Corp. ....	1.06
Hunchun Forest Wolf Wooden Industry Co., Ltd. ....	1.06
Hunchun Xingjia Wooden Flooring Inc. ....	1.06
Huzhou City Nanxun Guangda Wood Co., Ltd. ....	1.06
Huzhou Chenghang Wood Co., Ltd. ....	1.06
Huzhou Fulinmen Imp. & Exp. Co., Ltd. ....	1.06
Huzhou Fuma Wood Co., Ltd. ....	1.06
Huzhou Jersonwood Co., Ltd. ....	1.06
Huzhou Muyun Wood Co., Ltd. ....	1.06
Huzhou Sunergy World Trade Co., Ltd. ....	1.06
Jiafeng Wood (Suzhou) Co., Ltd. ....	1.06
Jiangsu Guyu International Trading Co., Ltd. ....	1.06
Jiangsu Keri Wood Co., Ltd. ....	1.06
Jiangsu Mingle Flooring Co. ....	1.06
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. ....	1.06
Jiangsu Simba Flooring Co., Ltd. ....	1.06
Jiashan Huijiale Decoration Material Co., Ltd. ....	1.06
Jiashan On-Line Lumber Co., Ltd. ....	1.06
Jiaxing Hengtong Wood Co., Ltd. ....	1.06
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. ....	1.06
Jilin Xinyuan Wooden Industry Co., Ltd. ....	1.06
Karly Wood Product Limited ....	1.06
Kemian Wood Industry (Kunshan) Co., Ltd. ....	1.06

<sup>5</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.



Producer/exporter	Subsidy rate (percent)
Kingman Floors Co., Ltd. ....	1.06
Linyi Anying Wood Co., Ltd. ....	1.06
Linyi Bonn Flooring Manufacturing Co., Ltd. ....	1.06
Linyi Youyou Wood Co., Ltd. ....	1.06
Mudanjiang Bosen Wood Industry Co., Ltd. ....	1.06
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd. ....	1.06
Pinge Timber Manufacturing (Zhejiang) Co., Ltd. ....	1.06
Puli Trading Limited ....	1.06
Qingdao Barry Flooring Co., Ltd. ..	1.06
Riverside Plywood Corporation ....	1.06
Samling Elegant Living Trading (Labuan) Limited ....	1.06
Samling Riverside Co., Ltd. ....	1.06
Shandong Kaiyuan Wood Industry Co., Ltd. ....	1.06
Shanghai Anxin (Weiguang) Timber Co., Ltd. ....	1.06
Shanghai Eswell Timber Co., Ltd. ....	1.06
Shanghai Lairunde Wood Co., Ltd. ....	1.06
Shanghai Lizhong Wood Products Co., Ltd. (also known as The Lizhong Wood Industry Limited Company of Shanghai) ....	1.06
Shanghai New Sihe Wood Co., Ltd. ....	1.06
Shanghai Shenlin Corporation ....	1.06
Shenyang Haobainian Wooden Co., Ltd. ....	1.06
Shenzhenshi Huanwei Woods Co., Ltd. ....	1.06
Sino-Maple (Jiangsu) Co., Ltd. ....	1.06
Suzhou Dongda Wood Co., Ltd.(8M) ....	1.06
Tongxiang Jisheng Import and Export Co., Ltd. ....	1.06
Vicwood Industry (Suzhou) Co., Ltd. ....	1.06
Xiamen Yung De Ornament Co., Ltd. ....	1.06
Xuzhou Antop International Trade Co., Ltd. ....	1.06
Xuzhou Shenghe Wood Co., Ltd. ....	1.06
Yekalon Industry, Inc. ....	1.06
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd. ....	1.06
Yixing Lion-King Timber Industry Zhejiang AnJi Xinfeng Bamboo and Wood Industry Co., Ltd. ....	1.06
Zhejiang Biyork Wood Co., Ltd. ...	1.06
Zhejiang Dadongwu Green Home Wood Co., Ltd. ....	1.06
Zhejiang Desheng Wood Industry Co., Ltd. ....	1.06
Zhejiang Fudeli Timber Industry Co., Ltd. ....	1.06
Zhejiang Fuerjia Wooden Co., Ltd. ....	1.06
Zhejiang Fuma Warm Technology Co., Ltd. ....	1.06
Zhejiang Haoyun Wooden Co., Ltd. ....	1.06
Zhejiang Longsen Lumbering Co., Ltd. ....	1.06
Zhejiang Shiyong Timber Co., Ltd. ....	1.06
Zhejiang Shuimojiangnan New Material Technology Co., Ltd. ...	1.06

### Assessment Rates

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review, to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 2014, through December 31, 2014, at the *ad valorem* rates listed above.

### Cash Deposit Instructions

In accordance with section 751(a)(1) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 9, 2017.

**Gary Taverman,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

### Appendix I

#### List of Topics Discussed in the Final Decision Memorandum

- I. Summary
- II. Background
- III. List of Interested Party Comments
- IV. Scope of the Order
- V. Partial Rescission of Administrative Review
- VI. Subsidies Valuation Information
- VII. Loan Benchmark Rates
- VIII. Use of Facts Otherwise Available and Adverse Facts Available and Corroboration of Secondary Information
- IX. Programs Determined to Be Countervailable
- X. Programs Determined Not to Confer Measurable Benefits
- XI. Programs Determined Not to Be Used
- XII. *Ad Valorem* Rate for Non-Selected Companies Under Review

### XIII. Analysis of Comments

- Comment 1: Whether the Provision of Electricity Is Regionally-Specific
- Comment 2: Whether the Department Improperly Compared VAT-Inclusive Electricity Benchmarks to VAT-Exclusive Paid Electricity Prices and Whether the Department Should Remove VAT from the Comparison
- Comment 3: Whether Fine Furniture's Electricity Subsidy Rate Was Calculated Correctly
- Comment 4: Whether Additional Fees Are Properly Included in the Benchmark Comparison Used in the Electricity for LTAR Program
- Comment 5: Whether the Potential Rectification Fund for Safe Production Is Specific
- Comment 6: Whether Fine Furniture's 2010 Sales Value Is Correctly Reflected in the Final Results
- Comment 7: Whether the Allowance for Attorney's Fees Program Is Countervailable
- Comment 8: Whether the Patent Application Support Program Is Specific

### XIV. Conclusion

[FR Doc. 2017-09746 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF343**

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Russian River Estuary Management Activities

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of issuance of Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the Sonoma County Water Agency (SCWA) for the take of marine mammals incidental to Russian River estuary management activities in Sonoma County, California.

**DATES:** Effective from April 21, 2017, through April 20, 2022.

**ADDRESSES:** The LOA and supporting documentation are available online at: [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm). In case of problems accessing these documents, please call the contact listed above (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

**Summary of Request**

On September 2, 2016, we received an adequate and complete request from SCWA for authorization to take marine mammals incidental to estuary management activities. On December 30, 2016 (81 FR 96415), we published a notice of proposed rulemaking in the **Federal Register**, requesting comments and information related to the SCWA request for 30 days. The final rule was published in the **Federal Register** on March 15, 2017 (82 FR 13765). For detailed information on this action, please refer to those documents. The

regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during estuary management activities in Sonoma County, California.

The specified activity involves management of the estuary to prevent flooding while preventing adverse modification to critical habitat for Endangered Species Act-listed salmonids. During the lagoon management period (May 15–October 15), this involves construction and maintenance of a lagoon outlet channel that would facilitate formation of a perched lagoon. A perched lagoon, which is an estuary closed to tidal influence in which water surface elevation is above mean high tide, would reduce flooding while maintaining beneficial conditions for juvenile salmonids. Additional breaches of the barrier beach may be conducted for the sole purpose of reducing flood risk.

There are three components to SCWA’s ongoing estuary management activities: (1) Lagoon outlet channel management, during the lagoon management period only, required to accomplish the dual purposes of flood risk abatement and maintenance of juvenile salmonid habitat; (2) traditional artificial breaching, with the sole objective of flood risk abatement; and (3) physical and biological monitoring in and near the estuary, required to understand response to water surface elevation management in the estuary-lagoon system. SCWA is authorized to take individuals of three species by Level B harassment only. No takes by Level A harassment, serious injury, or mortality are anticipated.

**Authorization**

We have issued a LOA to SCWA authorizing the take of marine mammals incidental to estuary management activities, as described above. Take of marine mammals will be minimized through implementation of mitigation measures designed to eliminate startling reactions that may result in stampedes or extended mother-pup separation, to further reduce the possibility of impacts to pups by eliminating or altering management activities on the beach when pups are present, and by setting limits on the frequency and duration of events during pupping season (March 15–June 30). Additionally, the rule includes an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. The SCWA will submit reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under this LOA will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: May 10, 2017.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2017–09773 Filed 5–12–17; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XF426**

**North Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The North Pacific Fishery Management Council (Council) and its advisory committees will meet June 5, 2017 through June 13, 2017.

**DATES:** The Council will begin its plenary session at 8 a.m. in Ballroom 1, Centennial Hall Convention Center on Wednesday, June 7, continuing through Tuesday, June 13, 2017. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. in Ballroom 2 on Monday, June 5 and continue through Wednesday, June 7, 2017. The Council’s Advisory Panel (AP) will begin at 8 a.m. in Ballroom 3 Tuesday, June 6, and continue through Saturday, June 10, 2017. The Enforcement Committee will meet in the Egan Room, June 6 from 1 p.m. to 4 p.m. The Legislative Committee will meet in the Egan Room (time and date to be determined).

**ADDRESSES:** The meeting will be held at the Centennial Hall Convention Center, 101 Egan Drive, Juneau, AK 99801.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

**FOR FURTHER INFORMATION CONTACT:** David Witherell, Council staff; telephone: (907) 271–2809.

**SUPPLEMENTARY INFORMATION:**

**Agenda**

Monday, June 5, 2017 Through Tuesday, June 13, 2017

Council and AP Plenary Session: The agenda for the Council's plenary session will include the following issues, as well as an executive session. The Council may take appropriate action on any of the issues identified.

- (1) Executive Director's Report
- (2) NMFS Management Report  
(including reports on Best Scientific Information Available and Stock Assessment Improvement Plan, EFH Consultation report)
- (3) NOAA Enforcement Report  
(including review of draft OLE National Priorities)
- (4) ADF&G Report
- (5) USCG Report
- (6) USFWS Report
- (7) IPHC Report
- (8) 2016 Observer Annual Report and OAC Report
- (9) Lead Level 2 Observers
- (10) Area 4 Halibut IFQ Leasing
- (11) BSAI yellowfin Sole TLAS Fishery Limited Entry
- (12) Halibut Abundance-based PSC Limits; Candidate Performance Metrics
- (13) Squid to Ecosystem Component Category
- (14) BSAI Crab Harvest Specifications for 3 Stocks and PT Report
- (15) Five-Year Research Priorities
- (16) AFA and Non-AFA Small Sideboard Elimination
- (17) GOA Crab Habitat Conservation Measures
- (18) Allocation Review Triggers

The SSC agenda will include the following issues:

- (1) Observer Annual Report
- (2) BSAI Crab Specifications
- (3) Halibut ABM Performance Metrics
- (4) Social Science Planning Team TOR: Reports on Best Scientific Information Available and Stock Assessment Improvement Plan
- (5) Five-Year Research Priorities

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Councils primary peer review panel for scientific information as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

The Agenda is subject to change, and the latest version will be posted at <http://www.npfmc.org/>.

Although other non-emergency issues not on the agenda may come before the

Council for discussion, those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271-2809 at least 7 working days prior to the meeting date.

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09750 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XF422**

**New England Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scientific & Statistical Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Thursday, May 25, 2017 beginning at 10 a.m.

**ADDRESSES:** The meeting will be held at the Hilton Garden Inn, Boston Logan, 100 Boardman Street, Boston, MA 02128; phone: (617) 567-6789.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:****Agenda**

The Committee will receive updates on the Council's progress on developing Ecosystem-based Fishery Management (EBFM), and provide comments to the Council on the Council's draft 5-year research recommendations, and the NMFS draft Stock Assessment Improvement Program. Depending on progress, the Committee also will receive an update on the development of terms of reference for operational stock assessments for which assessment models are not feasible. Other business will be discussed as needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09748 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XF427**

**Western Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting and hearing.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold a meeting of its American Samoa

Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

**DATES:** The American Samoa Archipelago FEP AP will meet on Wednesday, May 31, 2017, between 4:30 p.m. and 6:30 p.m. All times listed are local island times.

For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The American Samoa Archipelago FEP AP will meet at the Pacific Petroleum Conference Room, Utulei, American Samoa, 96799.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

#### **Schedule and Agenda for the American Samoa Archipelago FEP AP Meeting**

*Wednesday, May 31, 2017, 4:30 p.m.–6:30 p.m.*

1. Welcome and Introductions
2. Report on Previous Council Action Items
3. Council Issues
  - A. American Samoa Longline Vessel Prohibited Area
  - B. Options for Fishery Ecosystem Management Unit Species for Ecosystem Component Designation
  - C. Review of Options for Non-fishing Impacts to Essential Fish Habitat
4. American Samoa FEP Community Activities
5. American Samoa FEP AP Issues
  - A. Report of the Subpanels
    - i. Island Fisheries Subpanel
    - ii. Pelagic Fisheries Subpanel
    - iii. Ecosystems and Habitat Subpanel
    - iv. Indigenous Fishing Rights Subpanel
  - B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been

notified of the Council's intent to take final action to address the emergency.

#### **Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09751 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

**RIN 0648-XF423**

#### **Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting (webinar).

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Management Team (CPSMT) and Coastal Pelagic Species Advisory Subpanel (CPSAS) will hold a meeting via webinar to consider topics on the June 2017 Council meeting agenda, and develop supplemental reports. The meeting is open to the public.

**DATES:** The webinar meeting will be held Wednesday, May 31, 2017, from 2 p.m. to 4 p.m., or until business for the day has been completed.

**ADDRESSES:** The meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar, visit: <https://attendee.gotowebinar.com/register/2403858256045989891>. Once registered, you will be sent a confirmation email with access information. You may also access the webinar by visiting <http://www.gotomeeting.com/online/webinar/join-webinar>. Then enter the webinar ID, which is 660-750-875, and enter your name and email address. After logging on, call this TOLL number: +1 (213) 929-4232, then enter the Attendee phone audio access code: 492-595-188,

then enter your audio, which will be shown after joining the webinar. Note: We have disabled Mic/Speakers on *GoToMeeting* as an option and require all participants to use a telephone or cell phone to participate. You may send an email to Mr. Kris Kleinschmidt at [kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov) or contact him at (503) 820-2280, extension 411 for technical assistance.

**Council address:** Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

#### **FOR FURTHER INFORMATION CONTACT:**

Kerry Griffin, Pacific Council; telephone: (503) 820-2409.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to discuss and consider relevant topics on the June Pacific Council meeting agenda, and to develop supplemental reports to be included in supplemental briefing book materials for the June Council meeting. Primary topics include: (1) Pacific mackerel assessment and management measures, (2) aerial survey methodology final approval, (3) NMFS Office of Law Enforcement strategic review, and (4) administrative matters and future meeting planning. Other topics may be discussed, and public comment may be taken at the discretion of the CPSMT and CPSAS Chairs.

#### **Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820-2411 at least 10 days prior to the meeting date.

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09749 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

**RIN 0648-XF432**

#### **Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (Council) Mackerel-Squid-Butterfish (MSB)

Advisory Panel will meet via webinar to develop recommendations regarding the Council's Squid Amendment.

**DATES:** The meeting will be held Friday, June 2, 2017, from 9 a.m. to 1 p.m.

**ADDRESSES:** The meeting will be held via webinar with a telephone-only connection option: <http://mafmc.adobeconnect.com/msb-ap-2017/>.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:**

Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255. The Council's Web site, [www.mafmc.org](http://www.mafmc.org) will also have details on webinar access and any background materials.

**SUPPLEMENTARY INFORMATION:** The Council's Mackerel-Squid-Butterfish (MSB) Advisory Panel will meet to develop recommendations regarding the Council's Squid Amendment. This Amendment could reduce the number of directed longfin squid/butterfish and *Illex* squid moratorium (limited access) permits. This Amendment also considers modifications to the seasonal/Trimester allocations and related management measures. The Council's plans to take final action on the Amendment at its June 2017 Council meeting (<http://www.mafmc.org/council-events/2017/june-2017-council-meeting>).

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09752 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF421**

**Western Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting and hearing.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold a meeting of its Guam Mariana Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

**DATES:** The Guam Mariana Archipelago FEP AP will meet on Friday, May 26, 2017, between 6 p.m. and 7:30 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The Guam Mariana Archipelago FEP AP will meet at the Guam Fishermen's Cooperative Association Lanai, Hagatna, Guam, 96913.

**FOR FURTHER INFORMATION CONTACT:**

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

**Schedule and Agenda for the Guam Mariana Archipelago FEP AP Meeting**

*Friday, May 26, 2017, 6 p.m.-7:30 p.m.*

1. Hafa Adai-Welcome and Introductions
2. Report on Previous Council Action Items
3. Council Issues
  - A. Guam Marine Conservation Plan
  - B. Options for Fishery Ecosystem Management Unit Species for Ecosystem Component Designation
  - C. Review of Options for Non-fishing Impacts to Essential Fish Habitat
4. Mariana FEP Community Activities
5. Marianas FEP AP-Guam Issues
  - A. Report of the Subpanels
    - i. Island Fisheries Subpanel
    - ii. Pelagic Fisheries Subpanel
    - iii. Ecosystems and Habitat Subpanel
    - iv. Indigenous Fishing Rights Subpanel
  - B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. "At the End of the Day"-Other Business

**Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2017-09747 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF433**

**Pacific Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting (webinar).

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Salmon Advisory Subpanel (SAS) will hold a meeting via webinar to discuss pertinent topics from the Council agenda in June 2017. The meeting is open to the public.

**DATES:** The webinar meeting will be held Friday, June 2, 2017, from 9 a.m. to 12 p.m., or until business for the day has been completed.

**ADDRESSES:** The meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar (1) join the meeting by visiting this link <http://www.gotomeeting.com/online/webinar/join-webinar>, (2) enter the Webinar ID: 592-795-987, and (3) enter your name and email address (required). After logging in to the webinar, please (1) dial this TOLL number 1-631-992-3221 (not a toll-free number), (2) enter the attendee phone audio access code 735-238-312, and (3) then enter your audio phone pin (shown after joining the webinar). Note: We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (See the GoToMeeting WebinarApps). You may send an email to Mr. Kris Kleinschmidt at [Kris.Kleinschmidt@noaa.gov](mailto:Kris.Kleinschmidt@noaa.gov) or contact him at (503) 820-2280, extension 411 for technical assistance. A public listening station

will also be available at the Pacific Council office.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Ehlke, Pacific Council; telephone: (503) 820-2410.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to discuss and consider relevant topics on the June 2017 Pacific Council meeting agenda. Under Agenda Item G.1, the International Pacific Halibut Commission will provide a review of the data request report on survey data in Area 2A organized by state boundaries. Also under this agenda item, the SAS will discuss the scoping initiated in 2016 to determine whether greater changes to future Catch Sharing Plan allocations are warranted. If time allows, the SAS may also discuss additional topics, including but not limited to Agenda Item F.8—coastwide non-whiting midwater trawl exempted fishing permit (EFP) and gear modification EFP progress report.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820-2411 at least 10 business days prior to the meeting date.

Dated: May 10, 2017.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2017-09753 Filed 5-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No.: CFPB-2017-0011]

### Request for Information Regarding the Small Business Lending Market

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for information.

**SUMMARY:** The Consumer Financial Protection Bureau (CFPB or Bureau) seeks information about the small business lending market. Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to compile, maintain, and report information concerning credit applications made by women-owned, minority-owned, and small businesses. In an effort to inform the Bureau's work on the business lending data collection rulemaking to implement section 1071, the Bureau seeks to learn more about the small business financing market, including understanding more about the products that are offered to small businesses, including women-owned and minority-owned small businesses, as well as the financial institutions that offer such credit. The Bureau also seeks to learn more about the business lending data that currently is used and may be maintained by financial institutions in connection with credit applications made by small businesses, including women-owned and minority-owned small businesses, and the potential complexity and cost of small business data collection and reporting. The Bureau is also seeking comment from the public on privacy concerns related to the disclosure purposes of section 1071.

**DATES:** Comments must be received on or before July 14, 2017.

**ADDRESSES:** You may submit responsive information and other comments, identified by Docket No. CFPB-2017-0011, by any of the following methods:

- *Electronic:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [FederalRegisterComments@cfpb.gov](mailto:FederalRegisterComments@cfpb.gov). Include Docket No. CFPB-2017-0011 in the subject line of the email.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive

Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

*Instructions:* Please note the number associated with any question to which you are responding at the top of each response (you are not required to answer all questions to receive consideration of your comments). The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202-435-7275.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:** For general inquiries, submission process questions or any additional information, please contact Monica Jackson, Office of the Executive Secretary, at 202-435-7275.

### SUPPLEMENTARY INFORMATION:

The Bureau is seeking comment through this Request for Information (RFI) to better understand the small business lending market in order to prioritize and streamline work to implement section 1071. The feedback obtained in response to this RFI will help the Bureau fulfill the statutory purpose of section 1071 in a manner that is efficient and minimizes burden on industry.

The Bureau encourages comments from all interested members of the public, including:

- Individual consumers;
- Individual businesses;
- Consumer civil rights and privacy advocates;
- Small business advocates;
- Business development and community development organizations;
- Lenders, including depository and non-depository institutions;
- Business trade associations;

- Data software vendors and developers who may provide services to lenders for regulatory compliance and data submission;

- Consultants, attorneys, or other professionals who advise market participants on these issues;

- Federal, State, and municipal regulators;

- State, local, and tribal government entities;

- Researchers or members of academia; and

- Any other interested parties.

The Bureau is interested in all input from commenters, including knowledge of standard practices, understanding of the market as a whole, and views on the questions included in this RFI.

#### **Part A: Congressional Mandate To Enact Section 1071**

Section 1071 of the Dodd-Frank Act (section 1071) amends ECOA to require financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. The purpose of this data collection, as stated by Congress in section 1071, is to “facilitate enforcement of fair lending laws” and to “enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.”<sup>1</sup> In order to achieve this statutory purpose, the Bureau believes the section 1071 data should cover an extensive share of the market and contain enough flexibility to analyze different market segments. However, there are costs associated with any data collection which have to be weighed against the benefits. Please consider this context in responding to this RFI.

Small businesses, including those owned by women and minorities, are critical engines for economic growth, and access to credit is a crucial component of their success. The Bureau believes that data collected under the business lending data collection rule as mandated by section 1071 would fill existing gaps in the general understanding of the small business lending environment. Further, data would be helpful in fulfilling Congress’s purposes in enacting section 1071 by identifying potential fair lending concerns regarding small businesses, including women-owned and minority-owned small businesses, as well as the needs and opportunities for both business and community development. At the same time, the Bureau recognizes

that certain financial institutions may not be collecting and reporting information regarding small business lending in connection with other regulatory requirements and that therefore a new data collection requirement could pose implementation and operational challenges.

The Bureau is in its early stages with respect to implementing section 1071, and is currently focused on outreach and research to further develop its understanding of the small business lending market, including the institutions, credit products, recording systems, underwriting approaches, distribution channels, and types of applicants in that market. In furtherance of that outreach and research, the Bureau is issuing this RFI. The Bureau is interested in exploring potential ways to implement section 1071 in a balanced manner with a goal of providing timely data with the highest potential for achieving the statutory objectives, while minimizing burden to both industry and the Bureau.

#### **Part B: Questions Related to the Small Business Lending Market**

The Bureau is seeking comment to enhance our understanding of the small business lending market in order to prioritize and guide research and policy development work for implementation of section 1071.

The Bureau recognizes that some commenters may feel that answering the questions below raises concerns about revealing proprietary information. We encourage commenters to share as much detail as possible in this public forum. We also welcome comments from representatives, such as attorneys, consultants, or trade associations, which need not identify their clients or members by name. The Bureau also welcomes any relevant empirical research or studies on these topics.

The questions below are separated into five categories: (1) Small Business Definition, (2) Data Points, (3) Financial Institutions Engaged in Business Lending, (4) Access to Credit and Financial Products Offered to Businesses, and (5) Privacy.

##### **Small Business Definition**

Section 1071 defines “small business” as having “the same meaning as the term ‘small business concern’ in section 3 of the Small Business Act (15 U.S.C. 632).”<sup>2</sup> This section of the Small Business Act sets forth a multi-part definition of “small business concern” that includes a provision authorizing the Small Business Administration

(SBA) to establish detailed size standards that meet certain criteria set forth within the statute.<sup>3</sup> The most commonly used size standards developed by the SBA are industry-specific size standards organized by the six-digit North American Industry Classification System (NAICS-specific size standards).<sup>4</sup> These NAICS-specific size standards are primarily used by the SBA and other Federal agencies to determine eligibility for Federal contract and loan assistance programs.<sup>5</sup>

Section 632 also permits the SBA to approve size standards developed by other Federal agencies that meet certain requirements.<sup>6</sup> As an alternative to the NAICS-specific size standards, the Bureau is exploring developing an alternative definition of small business that meets the criteria outlined in section 632 of the Small Business Act and is tailored to the needs of section 1071, a business lending data collection rule. Specifically, the Bureau is exploring size standard approaches that potentially may not require a determination of a six-digit NAICS code for each applicant while remaining consistent with the SBA’s policy and regulatory requirements and that are aligned with the common practices of financial institutions extending credit to small businesses.

Under nearly any definition of “small business,” a substantial percentage of women-owned and minority-owned businesses would be covered. For example, a definition of small businesses as businesses with annual revenue of \$1 million or less<sup>7</sup> covers approximately 95% of all firms, over 97% of all minority-owned firms, and over 98% of all women-owned firms.<sup>8</sup> Bureau outreach to date with industry reveals other definitions used by financial institutions as to what constitutes a “small business” for internal purposes, including for focusing marketing resources,

<sup>3</sup> 15 U.S.C. 632(a)(2).

<sup>4</sup> 13 CFR 121.201 (NAICS-specific size standards promulgated by the SBA).

<sup>5</sup> See 13 CFR 121.101(a) (“SBA’s size standards define whether a business entity is small and, thus, eligible for Government programs and preferences reserved for ‘small business’ concerns.”)

<sup>6</sup> 15 U.S.C. 632(a)(2)(C).

<sup>7</sup> Under the Community Reinvestment Act, certain financial institutions report information on small business loans extended to businesses with annual revenue of \$1 million or less. See, e.g., 12 CFR 228.42.

<sup>8</sup> U.S. Census Bureau, *Statistics for All U.S. Firms by Industry, Gender, and Receipts Size of Firm for the U.S. and States: 2012 More Information 2012 Survey of Business Owners*, American Fact Finder (last visited April 12, 2017), available at [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=SBO\\_2012\\_00CSA05&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=SBO_2012_00CSA05&prodType=table).

<sup>1</sup> 15 U.S.C. 1691c–2(a).

<sup>2</sup> 15 U.S.C. 1691c–2(h)(2).



establishing appropriate products to support the small business segment, and establishing risk management practices. Common factors that financial institutions use for defining a business as small include annual revenue, industry, loan size, aggregate credit exposure, or some combination of these factors. The threshold amounts that financial institutions apply to each of these factors also vary considerably among financial institutions.

Through this RFI, the Bureau hopes to learn more about the various definitions of a small business that are currently utilized by lenders.

1. What potential challenges and burdens would financial institutions or applicants encounter if a business lending data collection rule defined a “small business” applicant using the SBA’s NAICS-specific size regulations?

2. What definitions of “small business” do financial institutions currently use internally or for external reporting purposes?

a. What factors are used to define a “small business” (such as revenue of the business applicant)? If more than one factor is used, are those factors considered individually or in combination?

b. What minimum or maximum thresholds are used to define a “small business”?

c. Are certain types of small businesses excluded or treated differently under the definitions?

d. Do the definitions take into account entities that are related to the small business applicant (such as parents, subsidiaries, affiliates, etc.)?

#### Data Points

Section 1071 specifies particular data points that financial institutions must compile and maintain, submit annually to the Bureau, and make available to members of the public upon request unless the Bureau determines to permit the deletion or modification of certain data to advance a privacy interest.<sup>9</sup> These include:

- Application number;
- application date;
- type and purpose of the financing;
- amount applied for;
- amount approved;
- type of action taken and action taken date;
- census tract of the principal place of business;

- gross annual revenue in the last fiscal year of the applicant preceding the date of the application; and
- information about the race, sex, and ethnicity of the business principal owners.<sup>10</sup>

Section 1071 also gives the Bureau authority to require “any additional data that the Bureau determines would aid in fulfilling the purposes of [1071].”<sup>11</sup> The purpose of section 1071 provided in the statute is, as previously noted: (1) To facilitate enforcement of fair lending laws; and (2) to enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.<sup>12</sup>

As part of its research and policy development work, the Bureau will explore how to best implement the data point reporting requirements for the business lending data collection rulemaking to serve the purposes of section 1071 while minimizing burden. Through this RFI, the Bureau seeks information on existing business lending data collection and reporting standards, how various data points are used by the business financing industry, how reporting particular data points could serve the purposes of section 1071, and other issues related to data points.

As part of a business lending data collection rulemaking, the Bureau plans to explore how to best implement the statutorily-mandated data points. The Bureau believes the reporting and potential disclosure of these data would constitute a major advancement in information on lending to small businesses, including to women-owned and minority-owned small businesses. In addition, the Bureau will consider whether supplementing the statutorily-mandated data points with a limited number of discretionary data points would serve the purposes of section 1071, improve the quality of the data for all stakeholders, and reduce the possibility of misinterpretations or

incorrect conclusions that might arise from the collection or release of more limited data. The Bureau believes that responses to the RFI questions will provide helpful information for this purpose and aid the Bureau in determining whether to supplement, in a limited fashion, the statutorily-mandated data points.

3. What data standards regarding information on small business financing are financial institutions currently subject to or using? Data standards are rules by which data is described and recorded using standardized formats and meanings for purposes such as sharing, exchanging and analyzing data. Examples could include governmental reporting or recordkeeping requirements, as well as standards associated with credit bureaus, data repositories, trade associations, accounting standards, or securitization or guarantee programs.

a. What information is being collected, reported, or disclosed using these data standards?

b. Are these data standards applicable at the loan level, on an aggregate basis, or some combination of the two?

4. What information concerning the data points specifically identified for reporting under section 1071 by Congress do financial institutions collect and maintain in the ordinary course of business concerning their small business lending?

a. What sources of information do financial institutions rely on in obtaining this data, including, for example, applicant self-reporting, specific documents used by financial institutions to obtain this data, or third party sources?

b. What technological or other challenges do financial institutions foresee in collecting and reporting this data (such as the manual compilation of information, the lack of an electronic system for maintaining this information, the potential for this information to be found in multiple systems within a financial institution, etc.)? What steps can the Bureau take within a business lending data collection rulemaking to minimize the challenges?

c. With respect to which data points, if any, among those specifically identified by Congress in Section 1071, do financial institutions currently not collect any information?

5. The Bureau understands that applications for small business financing may vary both by financial institution and by the business credit product. How do financial institutions integrate data collection into their application process?

<sup>9</sup> 15 U.S.C. 1691c–2(e)(2)(A)–(G), (e)(4), (f)(1), (f)(2)(A)–(B). The statute also provides that the data shall annually be made available to the public generally by the Bureau, in such form and in such manner as is determined by the Bureau, by regulation. *Id.* 1691c–2(f)(2)(C).

<sup>10</sup> 15 U.S.C. 1691c–2(e)(2)(A)–(G). With some exceptions, section 1002.5(b) of Regulation B, which implements the ECOA, prohibits a creditor from inquiring about the race, color, religion, national origin, or sex of an applicant or any other person in connection with a credit transaction. Section 1002.5(a)(2) provides an exception to that prohibition for information required by a regulation, order, or agreement issued by or entered into with a court or an enforcement agency to monitor or enforce compliance with ECOA, Regulation B, or other Federal or State statutes or regulations. Section 1002.5(a)(3) provides another exception to that prohibition for information to determine eligibility for a special purpose credit program under 1002.8.

<sup>11</sup> 15 U.S.C. 1691c–2(e)(2)(H).

<sup>12</sup> 15 U.S.C. 1691c–2(a).



a. When are different data collected in the process (such as at the time of initial application, during the application process, or near the end of the process)?

b. What verification procedures are used?

c. Are certain data not collected or more difficult to collect if the application is not originated and instead is withdrawn, denied, or involves a counteroffer?

d. Are different data collected for different types of credit events (such as renewals, line increases, etc.)?

e. What systems, whether proprietary or provided by a third party vendor, are used by financial institutions to collect and maintain the data?

f. How does data collection differ according to business credit product?

6. Considering the data points specifically identified by Congress for reporting in section 1071:

a. What concerns, if any, do financial institutions have about the possibility of misinterpretations or incorrect conclusions being drawn by regulators from the collection of the data provided for in Section 1071 or by the public from potential release of these data in a manner protective of privacy interests?

b. Are there limited additional data points that could be readily reported and potentially disclosed that would mitigate these concerns and reduce the risk of misinterpretation or help reduce incorrect conclusions?

7. What information about the type of business (such as NAICS code or other industry information) of a small business applicant do financial institutions currently collect? What challenges might financial institutions have in potentially collecting this information under section 1071?

8. What information about the number of employees of a small business applicant do financial institutions currently collect? What challenges might financial institutions have in potentially collecting this information under section 1071?

9. In section 1071, Congress requires financial institutions to collect and report information on whether an applicant is a women-owned, minority-owned, or small business and the ethnicity, race, and sex of the principal owners of the business. Section 1071 provides for limitations on access to certain information, including an applicant's minority-owned or women-owned business status, by underwriters, where feasible, and provides for limited access in certain circumstances determined by the financial institution with notice to the applicant.

a. What challenges do financial institutions foresee in complying with

these requirements with respect to applications by small businesses, including any potential challenges in identifying the principal owners of the business and reporting demographic information about them?

b. In what situations, if any, may it not be feasible to limit underwriter access to this information?

c. What steps can the Bureau take to minimize burden on financial institutions and applicants and facilitate compliance with the requirements to identify the principal owners of the business and report demographic information about them?

#### **Financial Institutions Engaged in Business Lending**

Section 1071 of the Dodd-Frank Act requires financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. Financial institution is defined in section 1071 to mean "any partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity that engages in any financial activity."<sup>13</sup> The Bureau understands small businesses, including women-owned and minority-owned small businesses, may secure non-equity financing from many sources, including, but not limited to, depository and non-depository financial institutions such as banks and credit unions, community development financial institutions, governmental entities, commercial finance firms, and alternative online lenders.

This Bureau seeks comment to enhance its understanding of the various financial institutions and other parties engaged in small business lending as well as initial feedback from stakeholders on appropriate institutional coverage the Bureau may consider for the business lending data collection rule.

10. Section 1071 allows the Bureau to exercise exemption authority to exempt certain classes of financial institutions from collecting and reporting pursuant to a business lending data collection rule as the Bureau deems necessary or appropriate to carry out the purposes of section 1071.

a. Should certain classes of financial institutions be exempt from a small business lending data collection rule?

b. Are there data or data sources available that could inform the Bureau's decision to exempt certain classes of financial institutions (such as the size, type, or lending characteristics of the

financial institution or types of small business credit products offered by the financial institution)?

11. What are the roles of lending marketplaces, brokers, dealers and other third parties in the small business lending application process (such as in taking an application and in making a credit decision on an application)?

#### **Access to Credit and Financial Products Offered to Businesses**

The Bureau seeks information on the various financial products that are offered to small businesses, including women-owned and minority-owned small businesses, as well as initial feedback from stakeholders on challenges small businesses may face in accessing credit and appropriate transaction and product coverage the Bureau may consider for a business lending data collection rule.

Section 1071 requires financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. Although section 1071 does not provide a specific definition for credit, credit is a defined term under ECOA. ECOA (which section 1071 amended) defines credit as "the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor."<sup>14</sup>

From its initial outreach and research, the Bureau understands that small businesses depend on a number of different non-equity financing products to establish, maintain, and grow their businesses. Although small businesses, including women-owned and minority-owned small businesses, secure non-equity financing in many forms, the Bureau understands that term loans, lines of credit, and credit cards are the principal all-purpose products used by small businesses. The Bureau estimates that these products collectively comprise about three-fourths of the non-equity financing market, when excluding supplier financing.<sup>15</sup> Through this RFI, the Bureau seeks initial feedback on products offered by financial institutions to small business applicants and the challenges faced by small businesses, including women-

<sup>14</sup> 15 U.S.C. 1691a(d).

<sup>15</sup> See Consumer Financial Protection Bureau, "Lending to Women-Owned, Minority-Owned and Small Businesses: A White Paper," May 2017 (figure is based on CFPB research of available data sources exclusive of business-to-business credit), available at [http://files.consumerfinance.gov/f/documents/201705\\_cfpb\\_Key-Dimensions-Small-Business-Lending-Landscape.pdf](http://files.consumerfinance.gov/f/documents/201705_cfpb_Key-Dimensions-Small-Business-Lending-Landscape.pdf).

<sup>13</sup> 15 U.S.C. 1691c-2(h)(1).

owned and minority-owned small businesses, in accessing credit.

12. What business credit product types are currently offered to small businesses by financial institutions as defined in section 1071, and for which product types is data collection and reporting most important for furthering the purposes of section 1071?

a. In addition to term loans, lines of credit, and credit card products, are there other business credit products that are an important source of financing for small businesses?

13. How do financial institutions define an application for business credit products? How, if at all, does a financial institution's definition of an application vary for different types of products offered to small business applicants?

a. Under what circumstances are preapproval, prequalification, and similar assessments made and what information is typically collected and evaluated during such assessments?

14. Under what circumstances (such as renewal, line increase, etc.) would a credit review occur on an existing credit facility?

a. In what circumstances would the credit review be initiated by the borrower? In what circumstances is the credit review initiated by the financial institution?

b. For each circumstance, what information is collected as part of the credit review? How would such a credit review differ, if at all, from an application submitted on a new credit facility?

c. For each circumstance, what are the types of action taken?

15. What challenges do small businesses face in accessing credit? What obstacles do women-owned or and minority-owned small businesses in particular face in accessing credit?

#### Privacy

Section 1071 specifies particular data points that financial institutions must compile and maintain, submit annually to the Bureau, and make available to members of the public upon request in a form prescribed by the Bureau.<sup>16</sup> Section 1071 also provides the Bureau with authority to delete or modify data available to the public to advance a privacy interest.<sup>17</sup> The Bureau is exploring options which protect applicant and borrower privacy, as well as the confidentiality interests of financial institutions, while also fulfilling the purpose of section 1071 which, to repeat, is to facilitate enforcement of fair lending laws and

enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses. Through this RFI, the Bureau seeks initial feedback to understand privacy concerns related to the potential disclosure of the data points specifically identified for reporting under section 1071 by Congress.

16. What privacy-related concerns for applicants and confidentiality-related concerns of financial institutions are implicated by the statutorily-mandated data points in section 1071? For example, are there particular statutorily-mandated data points or a combination of data points that, if released to the public, may be harmful to applicant privacy or financial institution confidentiality? Are there particular statutorily-mandated data points or a combination of data points that may pose a risk of re-identification if released to the public?

17. What steps can the Bureau take to mitigate such privacy or confidentiality-related concerns consistent with the purposes of section 1071?

**Authority:** 12 U.S.C. 5511(c).

Dated: May 9, 2017.

**Richard Cordray,**  
*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2017-09732 Filed 5-12-17; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Notice is Given as a Reminder of the U.S. Air Force Scientific Advisory Board Notice of Meeting

**AGENCY:** Air Force Scientific Advisory Board, Department of the Air Force, DoD.

**ACTION:** Federal Registrar meeting notice.

**SUMMARY:** The United States Air Force Scientific Advisory Board plans to hold its Summer Session Board meeting on June 15th, 2017. Portions of this meeting will be open to the public.

**DATES:** *Effective Date:* The meeting date is June 15, 2017, from 8:00 a.m. to 4:00 p.m.

**SUPPLEMENTARY INFORMATION:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and

41 CFR 102-3.150, the Department of Defense announces the United States Air Force (USAF) Scientific Advisory Board (SAB) Summer Board meeting will take place on 15 June 2017 at the Beckman Center of The National Academies of Science and Engineering, located at 100 Academy Drive, Irvine, California 92617. The purpose of this quarterly board meeting is to formally complete, outbrief, and receive majority approval for the content and recommendations contained in the SAB FY17 SAB studies. The meeting will occur from 8:00 a.m.-4:00 p.m. on Thursday, 15 June 2017. The session that will be open to the *general public* will be held from 8:30 a.m. to 9:30 a.m. on 15 June 2017. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, a number of sessions of the Air Force Scientific Advisory Board Summer Board meeting will be closed to the general public because they will discuss classified information and matters covered by Section 552b of Title 5, United States Code, subsection (c), subparagraph (1).

Any member of the public that wishes to attend this meeting or provide input to the Air Force Scientific Advisory Board must contact the Scientific Advisory Board meeting organizer at the phone number or email address listed in this announcement at least five working days prior to the meeting date. Please ensure that you submit your written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act. Statements being submitted in response to the agenda mentioned in this notice must be received by the Scientific Advisory Board meeting organizer at least five calendar days prior to the meeting commencement date. The Scientific Advisory Board meeting organizer will review all timely submissions and respond to them prior to the start of the meeting identified in this notice. Written statements received after this date may not be considered by the Scientific Advisory Board until the next scheduled meeting.

**FOR FURTHER INFORMATION:** The Scientific Advisory Board meeting organizer, Major Mike Rigoni at [michael.j.rigoni.mil@mail.mil](mailto:michael.j.rigoni.mil@mail.mil) or 703-695-4297, United States Air Force Scientific Advisory Board, 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762.

**Anh Trinh,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 2017-09775 Filed 5-12-17; 8:45 am]

**BILLING CODE 5001-10-P**

<sup>16</sup> 15 U.S.C. 1691c-2(e)(2)(A)-(G), (f).

<sup>17</sup> 15 U.S.C. 1691c-2(e)(4).

**DEPARTMENT OF DEFENSE****Department of the Army****Advisory Committee on Arlington National Cemetery Meeting Notice****AGENCY:** Department of the Army, DoD.**ACTION:** Notice of open committee meeting.

**SUMMARY:** The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Advisory Committee on Arlington National Cemetery (ACANC). The meeting is open to the public.

**DATES:** The Committee will meet from 9:30 a.m. to 2:00 p.m. on Thursday, June 8, 2017.

**ADDRESSES:** Arlington National Cemetery Welcome Center, Arlington National Cemetery, Arlington, VA 22211.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy Keating; Designated Federal Officer (Alternate) for the Committee and the Subcommittees, in writing at Arlington National Cemetery, Arlington VA 22211, or by email at [timothy.p.keating.civ@mail.mil](mailto:timothy.p.keating.civ@mail.mil), or by phone at 1-877-907-8585.

**SUPPLEMENTARY INFORMATION:** For more information about the Committee, please visit <http://www.arlingtoncemetery.mil/AboutUs/FocusAreas.aspx>.

This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 CFR 102-3.150.

**Purpose of the Meeting:** The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of the Army independent advice and recommendations on Arlington National Cemetery, including, but not limited to, cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations. At this meeting, the ACANC will receive updates on ANC engineering projects, information regarding enhanced information technology in support of ANC operations, and a presentation of the report to Congress concerning ANC capacity.

**Proposed Agenda:** The Committee will receive an update on ANC

compliance with the Americans with Disabilities Act (ADA), progress on the improvements to the Ord Weitzel Gate to ANC, mobile Information Technology developments for ANC, implementation of an Electronic Interment Services System (EISS), and a presentation of the ANC Capacity Report to Congress as required by Public Law 114-158.

**Public's Accessibility to the Meeting:** Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis. The Arlington National Cemetery conference room is readily accessible to and usable by persons with disabilities. For additional information about public access procedures, contact Mr. Timothy Keating, the subcommittee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Written Comments and Statements:** Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee, in response to the stated agenda of the open meeting or in regard to the Committee's mission in general. Written comments or statements should be submitted to Mr. Timothy Keating, the subcommittee's Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Officer at least seven business days prior to the meeting to be considered by the Committee. The Designated Federal Officer will review all timely submitted written comments or statements with the Committee Chairperson, and ensure the comments are provided to all members of the Committee before the meeting. Written comments or statements received after this date may not be provided to the Committee until its next meeting. Pursuant to 41 CFR 102-3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment

at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the Committee's Designated Federal Official, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Official will log each request, in the order received, and in consultation with the Committee Chair determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the Designated Federal Official.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2017-09649 Filed 5-12-17; 8:45 am]

**BILLING CODE 5001-03-P**

**DEPARTMENT OF EDUCATION****Applications for New Awards; Alaska Native Education Program**

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for the Alaska Native Education (ANE) program, Catalog of Federal Domestic Assistance (CFDA) Number 84.356A.

**DATES:**

*Applications Available:* May 15, 2017.  
*Deadline for Transmittal of Applications:* June 14, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E222, Washington, DC 20202-6200. Telephone: (202)260-1979.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

## Full Text of Announcement

### I. Funding Opportunity Description

**Purpose of Program:** The major purpose of the ANE program is to support innovative projects that recognize and address the unique educational needs of *Alaska Native* (as defined in this notice) children and adults. These projects must include the activities authorized under section 6304(a)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA),<sup>1</sup> and may include one or more of the activities authorized under section 6304(a)(3) of the ESEA.

**Application Requirements:** The descriptions required under paragraphs 1 and 2 below align with the mandatory activities for all grantees under section 6304(a)(2) of the ESEA. The requirements under paragraphs 3 through 6 apply only to entities that do not meet the definition of *Alaska Native organization* (as defined in this notice) and are attempting to establish their eligibility to apply for a grant under section 6304(a)(1)(C) of the ESEA.

To be considered for an award under this competition, each application must provide detailed descriptions of—

(1) The plans, methods, strategies, and activities the applicant will develop and implement to improve the educational outcomes of *Alaska Natives*; and how the applicant will develop and implement such plans, methods, strategies, and activities; and

(2) The data the applicant will collect to assist in the evaluation of the programs carried out under the ANE program, including data that addresses the performance measures in section IV.4 (Performance Measures) of this notice; and how the applicant will collect such data.<sup>2</sup>

Additionally, an entity that does not meet the definition of *Alaska Native organization* and is attempting to establish its eligibility to apply for a grant under section 6304(a)(1)(C) of the ESEA must submit the following:

(3) Written documentation demonstrating that the entity is located in the State of Alaska;

(4) Written documentation demonstrating that the entity is *predominately governed by Alaska Natives* (as defined in this notice);

(5) Written documentation demonstrating that the entity has

*experience operating programs that fulfill the purposes of the ANE program* (as defined in this notice); and

(6) A copy of the *official charter or sanction* (as defined in this notice) provided to the entity by an *Alaska Native tribe* or *Alaska Native organization*.

**Permissible Activities:** The activities described below are examples of permissible activities under section 6304(a)(3) of the ESEA. Applicants may propose to conduct one or more permissible activities, including but not limited to, (1) the development of curricula and programs that address the educational needs of *Alaska Native* students; (2) training and professional development activities for educators; (3) early childhood and parenting education activities designed to improve the school readiness of *Alaska Native* children; and (4) activities designed to enable *Alaska Native* students to meet challenging State academic standards or to increase the graduation rates of *Alaska Native* students. A detailed list of permissible activities can be found in the ANE grant application package (see also 20 U.S.C. 7544(a)(3)).

**Note:** The construction of facilities that support the operation of ANE programs will be a permissible activity only if Congress specifically authorizes the use of FY 2017 funds for that purpose.

**Definitions:** The definitions for *Alaska Native* and *Alaska Native organization* are from section 6306 of the ESEA (20 U.S.C. 7546). The definitions for *logic model* and *strong theory* are from 34 CFR 77.1. The definition for *Native* is from section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)). In addition, we are establishing definitions for *experience operating programs that fulfill the purposes of the ANE program*, *official charter or sanction*, and *predominately governed by Alaska Natives* under section 437(d)(1) of the General Education Provisions Act (GEPA). These definitions apply to the FY 2017 competition and any subsequent year in which we make awards from the list of unfunded applications.

*Alaska Native* has the same meaning as the term *Native* has in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)) and includes the descendants of individuals so defined.

*Alaska Native organization* means an organization that has or commits to acquire expertise in the education of *Alaska Natives* and is—

(a) An Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), located in Alaska;

(b) A tribal organization, as defined in section 4 of such Act (25 U.S.C. 450b), located in Alaska; or

(c) An organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i) through (xii)), or the successor of an entity so listed.

**Experience operating programs that fulfill the purposes of the ANE program** means that the entity has received and successfully administered a grant under the ANE program or another Department program that focused on meeting the unique educational needs of *Alaska Native* children and families in Alaska.

**Logic model** (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.*, the active ingredients that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

**Native** means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla<sup>3</sup> combination thereof). The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary [of the Interior] regarding eligibility for enrollment shall be final.

**Official charter or sanction** means a signed letter or written agreement that expressly (1) authorizes the applicant to conduct specific activities under the ANE program; and (2) describes the nature of those activities.

**Predominately governed by Alaska Natives** means that at least 80 percent of the entity's governing board (*i.e.*, board elected or appointed to direct the policies of the organization) are *Alaska Natives*.

**Strong theory** means a rationale for the proposed process, product, strategy, or practice that includes a *logic model*.

**Waiver of Proposed Rulemaking:** Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed definitions. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from

<sup>1</sup> In December 2015, Congress enacted the Every Student Succeeds Act (ESSA), which reauthorized the ANE program. Therefore, for purposes of this notice, all references to the "ESEA" are to the "ESSA," as amended by the ESSA.

<sup>2</sup> Grantees must submit the data as part of their annual performance reports (APRs).

<sup>3</sup> Or, "Metlakatla".

rulemaking requirements, regulations governing the first grant competition under a new or substantially revised program authority. Because this is the first grant competition for this program under section 6304 of the ESEA, the definitions in this notice qualify for this exemption. In order to ensure timely grant awards, the Secretary has decided to forgo public comment on the definitions under section 437(d)(1) of GEPA. These definitions will apply to the FY 2017 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

**Program Authority:** Title VI, part C of the ESEA (20 U.S.C. 7541–7546).

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

**Type of Award:** Discretionary grants.

**Estimated Available Funds:** The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, \$32,391,307 for the ANE program, of which we would use an estimated \$10,361,324 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 or subsequent years from the list of unfunded applications from this competition.

**Estimated Range of Awards:** \$300,000 to \$1,500,000.

**Estimated Average Size of Awards:** \$370,000.

**Estimated Number of Awards:** 28.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** 36 months.

## III. Eligibility Information

1. **Eligible Applicants:** (a) *Alaska Native organizations with experience operating programs that fulfill the purposes of the ANE program;*

(b) *Alaska Native organizations that do not have experience operating programs that fulfill the purposes of the ANE program, but are in partnership with—*

(i) A State educational agency (SEA) or local educational agency (LEA); or

(ii) An *Alaska Native organization* that operates a program that fulfills the purposes of the ANE program;

(c) An entity located in Alaska, and *predominately governed by Alaska Natives*, that does not meet the definition of an *Alaska Native organization* but—

(i) *Has experience operating programs that fulfill the purposes of the ANE program;* and

(ii) Is granted an *official charter or sanction* from at least one Alaska Native tribe or Alaska Native organization to carry out programs that meet the purposes of the ANE program.

For purposes of this program, an *Alaska Native organization* that applies for a grant in partnership with an SEA or LEA must serve as the fiscal agent for the project. Likewise, applicants that apply as part of a group, or partnership, must comply with 34 CFR 75.127–75.129. Specifically, group applicants must submit a partnership agreement (e.g., Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA)) that is signed and dated by all partners. The partnership agreement must clearly describe the work to be completed by each partner who will participate in the project in order to accomplish the goals and objectives of the proposed project. The activities, roles, and responsibilities of each partner, as described in the partnership agreement, must be consistent with the activities, roles, and responsibilities of each partner, as described in the grant application.

2. **Cost Sharing or Matching:** This program does not require cost sharing or matching.

## IV. Application and Submission Information

1. **Address to Request Application Package:** You can obtain an application package via the internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the internet, use the following address: [www2.ed.gov/fund/grant/apply/grantapps/index.html](http://www2.ed.gov/fund/grant/apply/grantapps/index.html).

To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department

of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a TDD or a TTY, call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: [www.EDPubs.gov](http://www.EDPubs.gov) or at its email address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.356A.

To obtain a copy from the program office, contact: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E222, Washington, DC 20202–6200. Telephone: (202) 260–1979 or by email: [Alaska.Native@ed.gov](mailto:Alaska.Native@ed.gov). If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. **Content and Form of Application Submission:** Requirements concerning the content and form of an application, together with the form you must submit, are in the application package for this competition.

**Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest that you limit the application narrative to no more than 30 pages, and use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The suggested page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the suggested page limit does apply to all of the application narrative section.

3. **Submission Dates and Times:**

**Applications Available:** May 15, 2017.

**Deadline for Transmittal of Applications:** June 14, 2017.

Applications for grants under this competition must be submitted

electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review*: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions*: In accordance with section 6305 of the ESEA, no more than five percent of funds awarded for a grant under the ANE program may be used for program administration (20 U.S.C. 7545).

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management*: To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN,

please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: <http://www2.ed.gov/fund/grant/apply/sam-faqs.html>.

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

#### 7. Other Submission Requirements:

Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

##### a. Electronic Submission of Applications.

Applications for grants under the Alaska Native Education Program, CFDA number 84.356A, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as

described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the ANE program at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.356, not 84.356A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News

and Events on the Department's G5 system home page at [www.G5.gov](http://www.G5.gov). In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: [www.grants.gov/web/grants/applicants/apply-for-grants.html](http://www.grants.gov/web/grants/applicants/apply-for-grants.html).

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a read-only flattened Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only flattened PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department

will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

**Application Deadline Date Extension in Case of Technical Issues With the *Grants.gov* System:** If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your

application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the internet; or

- You do not have the capacity to upload large documents to the *Grants.gov* system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E222, Washington, DC 20202-6200. FAX: (202) 260-8969.

Your paper application must be submitted in accordance with the mail or hand-delivery instructions described in this notice.

**b. Submission of Paper Applications by Mail.**

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.356A, LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.



(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

#### c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: CFDA Number 84.356A, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

### V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and section 6304(a)(2)(A) of the ESEA. The maximum possible score for all criteria is 110 points. The maximum possible score for each criterion is indicated in parentheses. The selection criteria for this competition are as follows:

(a) *Need for project* (up to 30 points)

The Secretary considers the need for the proposed project. In determining the

need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Quality of the project design* (up to 30 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable (up to 10 points);

(2) The extent to which the design of the proposed project is supported by a *strong theory* (as defined in this notice) (up to 10 points); and

(3) The extent to which the project plans, methods, strategies, and activities described by the applicant under Application Requirement 1 will improve educational outcomes for *Alaska Natives* (up to 10 points).

(c) *Quality of the management plan* (up to 30 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (up to 15 points); and

(2) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project (up to 15 points).

(d) *Adequacy of resources* (up to 20 points)

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources, the Secretary considers the following factors:

(1) The extent to which the budget is adequate to support the proposed project (up to 10 points); and

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and the anticipated results and benefits (up to 10 points).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the

applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.



## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report APR that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* Pursuant to the Government Performance and Results Act of 1993 (GPRA), the Department has developed the following four measures for evaluating the overall effectiveness of projects funded under this competition: (1) The percentage of *Alaska Native* students in schools served by the program who meet or exceed proficiency standards in reading, mathematics, and science on the Alaska

State assessments; (2) the percentage of *Alaska Native* children participating in early learning and preschool programs who consistently demonstrate school readiness in language and literacy as measured by the Revised Alaska Development Profile; (3) the percentage of *Alaska Native* students in schools served by the program who graduate from high school with a high school diploma in four years; and (4) the number of Alaska Native programs that primarily focus on Alaska Native culture and language.

To the extent that they apply to the grantee's project, all grantees will be expected to submit an APR that includes data addressing these performance measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal**

**Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 10, 2017.

Jason Botel,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2017-09772 Filed 5-12-17; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0064]

### Agency Information Collection Activities; Comment Request; Annual Report of Children in State Agency and Locally Operated Institutions for Neglected or Delinquent Children

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before July 14, 2017.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0064. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226-62, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Todd Stephenson, 202-205-1645.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an

opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Annual Report of Children in State Agency and Locally Operated Institutions for Neglected or Delinquent Children.

*OMB Control Number:* 1810-0060.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 2,812.

*Total Estimated Number of Annual Burden Hours:* 4,061.

*Abstract:* An annual survey is conducted to collect data on (1) the number of children enrolled in educational programs of State-operated institutions for neglected or delinquent (N or D) children, community day programs for N or D children, and adult correctional institutions and (2) the October caseload of N or D children in local institutions. The U.S. Department of Education is required to use these data to calculate allocations under parts A and D of Title I of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

Dated: May 10, 2017.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2017-09764 Filed 5-12-17; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC17-47-000.

*Applicants:* Wisconsin Power and Light Company, Wisconsin Public Service Corporation, Madison Gas and Electric Company.

*Description:* Second Supplement to December 13, 2016 Joint Application (Additional Information) under Section 203 of the Federal Power Act of Wisconsin Power and Light Company, et al.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5135.

*Comments Due:* 5 p.m. ET 5/18/17.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2507-012.

*Applicants:* Westar Energy Inc.

*Description:* Notice of Non-Material Change in Status of Westar Energy Inc.  
*Filed Date:* 5/4/17.

*Accession Number:* 20170504-5160.

*Comments Due:* 5 p.m. ET 5/25/17.

*Docket Numbers:* ER10-2563-005; ER10-1882-005; ER10-1894-008; ER10-3036-005; ER10-3042-006.

*Applicants:* Wisconsin Electric Power Company, Wisconsin Public Service Corporation, Wisconsin River Power Company, WPS Power Development LLC, Combined Locks Energy Center, LLC.

*Description:* Supplement to March 1, 2017 Notification of Change of Status of the WEC MBR Entities.

*Filed Date:* 5/4/17.

*Accession Number:* 20170504-5163.

*Comments Due:* 5 p.m. ET 5/25/17.

*Docket Numbers:* ER11-4369-001; ER16-2218-001.

*Applicants:* North American Power and Gas, LLC, North American Power Business, LLC.

*Description:* Supplement to February 16, 2017 Notification of Change in Status of the North American MBR Sellers.

*Filed Date:* 5/4/17.

*Accession Number:* 20170504-5165.

*Comments Due:* 5 p.m. ET 5/25/17.

*Docket Numbers:* ER17-696-001.

*Applicants:* Calpine Energy Solutions, LLC.

*Description:* Supplement to December 30, 2016 Notification of Change in Status of Calpine Energy Solutions, LLC.

*Filed Date:* 5/4/17.

*Accession Number:* 20170504-5164.

*Comments Due:* 5 p.m. ET 5/25/17.

*Docket Numbers:* ER17-1560-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to Service Agreement No. 4658; Queue No. AA2-088 to be effective 2/22/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5078.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1561-000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Compliance filing: Compliance filing of tariff revision Order No. 831 Offer Caps in ISO/RTO markets to be effective 12/31/9998.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5119.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1562-000.

*Applicants:* Energy Unlimited, Inc.

*Description:* Baseline eTariff Filing: Energy Unlimited, Inc. MBR Tariff to be effective 5/9/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5124.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1563-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2017-05-08 SA 2294 Heritage Garden Wind Farm—ATC Amended GIA to be effective 5/9/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5128.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1564-000.

*Applicants:* Public Service Company of New Hampshire.

*Description:* Tariff Cancellation: Cancellation of Lafayette Hydropower, PSNH Rate Schedule No. IA-PSNH-12 to be effective 4/25/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5132.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1565-000.

*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.

*Description:* Compliance filing: MR 1 Revisions to Modify Energy Market Offer Caps in Compliance w/Order No. 831 to be effective 10/1/2019.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508-5137.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17-1566-000.

*Applicants:* Public Service Company of New Hampshire.

*Description:* § 205(d) Rate Filing: Two Party Small Generator Interconnection Agreement with Sugar River Power LLC to be effective 4/25/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508–5138.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17–1567–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Compliance filing: Compliance Filing RE: Docket No. RM16–5–000 and Order No. 831 to be effective 11/1/2017.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508–5140.

*Comments Due:* 5 p.m. ET 5/30/17.

*Docket Numbers:* ER17–1568–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Order No. 831 Compliance Filing to be effective 4/1/2019.

*Filed Date:* 5/8/17.

*Accession Number:* 20170508–5148.

*Comments Due:* 5 p.m. ET 5/30/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 8, 2017.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2017–09673 Filed 5–12–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP17–728–000.

*Applicants:* Gulf Crossing Pipeline Company LLC.

*Description:* Gulf Crossing Pipeline Company LLC submits tariff filing per

154.204: Permanent Cap Rel Chesapeake 15 to Gulfport 1887 and BP 1884 to be effective 5/1/2017.

*Filed Date:* 05/03/2017.

*Accession Number:* 20170503–5039.

*Comment Date:* 5:00 p.m. Eastern

Time on Monday, May 15, 2017.

*Docket Numbers:* RP17–729–000.

*Applicants:* Gulf Crossing Pipeline Company LLC.

*Description:* Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Perm Cap Rel Neg Rate Agmt (Chesapeake 15 to Tenaska 1885) to be effective 5/1/2017.

*Filed Date:* 05/03/2017.

*Accession Number:* 20170503–5141.

*Comment Date:* 5:00 p.m. Eastern

Time on Monday, May 15, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 4, 2017.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2017–09671 Filed 5–12–17; 8:45 am]

**BILLING CODE 6717–01–P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the

Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 13, 2017.

*A. Federal Reserve Bank of San Francisco* (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *New Resource Bancorp*; to become a bank holding company by acquiring 100 percent of the voting shares of New Resource Bank, both of San Francisco, California.

Board of Governors of the Federal Reserve System, May 10, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017–09758 Filed 5–12–17; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 31, 2017.

*A. Federal Reserve Bank of Atlanta* (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309. Comments can

also be sent electronically to

[Applications.Comments@atl.frb.org](mailto:Applications.Comments@atl.frb.org):

1. Chong W. Chun, McDonough, Georgia, Kyong H. Chun, McDonough, Georgia, Sheila Chun, Atlanta, Georgia, Grace H. Chun, Mableton, Georgia, Hwa Yong Heidi Chun, McDonough, Georgia, Scott J. Cahoon, McDonough, Georgia, Hea Wong Chun Harris, Atlanta, Georgia, and Charles E. Harris, Atlanta, Georgia; to acquire voting shares of First IC Corporation, Doraville, Georgia, and thereby indirectly acquire voting shares of First IC Bank, Atlanta, Georgia.

Board of Governors of the Federal Reserve System, May 10, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-09757 Filed 5-12-17; 8:45 am]

**BILLING CODE 6210-01-P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection

#### Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

**AGENCY:** Board of Governors of the Federal Reserve System.

**SUMMARY:** The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the voluntary Generic Clearance for Surveys of Consumer and Community Affairs Publications and Resources (FR 1378; OMB No. 7100-0358); the voluntary Generic Clearance for Consumer and Stakeholder Surveys (FR 3073; OMB No. 7100-0359); the required to obtain a benefit Report of Net Debit Cap (FR 2226; OMB No. 7100-0217); and the voluntary Ad Hoc Payments Survey (FR 3054a; OMB No. 7100-0332), Currency Quality Sampling Survey (FR 3054b; OMB No. 7100-0332), Currency Quality Survey (FR 3054c; OMB No. 7100-0332), and Currency Functionality and Perception Survey (FR 3054d; OMB No. 7100-0332).

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not

conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

#### FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrahi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452-3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263-4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395-6974.

#### SUPPLEMENTARY INFORMATION:

#### Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Reports

1. *Report Title:* Generic Clearance for Surveys of Consumer and Community Affairs Publications and Resources.

*Agency Form Number:* FR 1378.

*OMB Control Number:* 7100-0358.

*Frequency:* On occasion.

*Respondents:* Individuals, households, nonprofits, community development organizations, consumer groups, financial institutions, other financial companies offering consumer financial products and services, other for profit companies, state or local agencies, and researchers from academic, government, policy, and other institutions.

*Estimated Number of Respondents:*

Consumer surveys: Quantitative surveys, 1,000 respondents; and Qualitative surveys, 50 respondents; and Stakeholder surveys: Quantitative surveys, 800 respondents; and Qualitative surveys, 50 respondents.

*Estimated Average Hours per Response:*

Consumer surveys: Quantitative surveys, 0.25 hours; and Qualitative surveys, 1.50 hours; and Stakeholder surveys: Quantitative surveys, 0.25 hours; and Qualitative surveys, 1.50 hours.

*Estimated Annual Burden Hours:*

Consumer surveys: Quantitative surveys, 500 hours; and Qualitative surveys, 300 hours; and Stakeholder surveys: Quantitative surveys, 1,200 hours; and Qualitative surveys, 300 hours.

*General Description of Report:* The Board uses this collection to seek input

from users or potential users of the Board's publications, resources, and conference materials to understand their interests and needs; to inform decisions concerning content, design, and dissemination strategies; to gauge public awareness of the Board's publications, resources, and conferences; and to assess the effectiveness of the Board's communications with various respondents.<sup>1</sup>

The surveys in this collection are used to gather qualitative and quantitative information directly from users or potential users of Board publications, resources, and conference materials, such as consumers (consumer surveys) and stakeholders (stakeholder surveys). Stakeholders may include, but are not limited to, nonprofits, community development organizations, consumer groups, conference attendees, financial institutions, and other financial companies offering consumer financial products and services, other for profit companies, state or local agencies, and researchers from academic, government, policy, and other institutions. Publications and resources may include reports and brochures, as well as audio and visual content, whether delivered in print, online, or through other means.

*Legal Authorization and Confidentiality:* The Board's Legal Division has determined that the FR 1378 is generally authorized under sections 2A and 12A of the Federal Reserve Act. Section 2A requires that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and

<sup>1</sup> Certain criteria apply to information collections conducted via the Board's generic clearance process. Such information collections shall (1) be vetted by the Board's clearance officer as well as the Division director responsible for the information collection, (2) display the OMB control number and respondents shall be informed that the information collection has been approved, (3) be used only in such cases where response is voluntary, (4) not be used to substantially inform regulatory actions or policy decisions, (5) be conducted only and exactly as described in the OMB submission, (6) involve only noncontroversial subject matter that will not raise concerns for other Federal agencies, (7) include information collection instruments that are each conducted only one time, (8) include a detailed justification of the effective and efficient statistical survey methodology (if applicable), and (9) collect personally identifiable information (PII) only to the extent necessary (if collecting PII, the form must display current privacy act notice). In addition, for each information collection instrument, respondent burden will be tracked and submitted to OMB.

moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the Federal Reserve Act, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to the regulations' bearing upon the general credit situation of the country (12 U.S.C. 263). The authority of the Federal Reserve to collect information to carry out the requirements of these provisions is implicit. Accordingly, the Federal Reserve is authorized to collect the information called for by the FR 1378 by sections 2A and 12A of the Federal Reserve Act.

In addition, the Board is responsible for implementing and drafting regulations and interpretations for various consumer protection laws. The information obtained from the FR 1378 may be used in support of the Board's development and implementation of regulatory provisions for these laws. Therefore, depending on the survey questions asked, the FR 1378 may be authorized pursuant to the Board's authority under one or more of the following consumer protection statutes:

- Community Reinvestment Act, (12 U.S.C. 2905);
- Competitive Equality Banking Act, (12 U.S.C. 3806);
- Expedited Funds Availability Act, (12 U.S.C. 4008);
- Truth in Lending Act, (15 U.S.C. 1604);<sup>2</sup>
- Fair Credit Reporting Act, (15 U.S.C. 1681s(e));<sup>3</sup>
- Equal Credit Opportunity Act, (15 U.S.C. 1691b);<sup>4</sup>
- Electronic Funds Transfer Act, (15 U.S.C. 1693b & 1693o-2);<sup>5</sup>
- Gramm-Leach-Bliley Act, (15 U.S.C. 6801(b));<sup>6</sup> and

<sup>2</sup> Although the Dodd-Frank Act (DFA) cut back the Board's authority under the Truth in Lending Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers. DFA 1100A(7).

<sup>3</sup> Although the DFA cut back the Board's authority under the Fair Credit Reporting Act, the Board retains rule writing authority for red flags, address changes, and disposal of records. DFA 1002(12)(F) and 1088(a)(2)(D).

<sup>4</sup> Although the DFA cut back the Board's authority under the Equal Credit Opportunity Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers. DFA 1085(3).

<sup>5</sup> Although the DFA cut back the Board's authority under the Electronic Fund Transfers Act, the Board retains rule writing authority for interchange fee regulations and authority to implement regulations with respect to auto dealers. DFA 1075 & 1084.

<sup>6</sup> Although the DFA cut back the Board's authority under the Gramm-Leach-Bliley Act, the Board maintains the authority to establish

- Flood Disaster Protection Act of 1973, Section 102 (42 U.S.C. 4012a).

The surveys are voluntary. The Board does not consider the information collected on these surveys to be confidential. Thus, no issue of confidentiality arises.

**Current Actions:** On February 13, 2017, the Board published a notice in the **Federal Register** (82 FR 10480) requesting public comment for 60 days on the extension, without revision, of the Generic Clearance for Surveys of Consumer and Community Affairs Publications and Resources. The comment period for this notice expired on April 14, 2017. The Board did not receive any comments.

**2. Report Title:** Generic Clearance for Consumer and Stakeholder Surveys.

**Agency Form Number:** FR 3073.

**OMB Control Number:** 7100-0359.

**Frequency:** On occasion.

**Respondents:** Individuals, households, community groups, community development organizations, non-profit service providers, faith-based service organizations, public sector agencies, small business owners, health care organizations, food banks, K-12 public and private schools, community colleges, community development financial institutions, credit unions, banks, and other financial institutions and companies offering financial products and services.

**Estimated Number of Respondents:** Consumer surveys: Quantitative surveys (medium), 3,000 respondents; Quantitative surveys (large), 6,000 respondents; and Qualitative surveys, 50 respondents; and Stakeholder surveys: Quantitative surveys, 1,500 respondents and Qualitative surveys, 50 respondents.

**Estimated Average Hours per Response:** Consumer surveys: Quantitative surveys (medium), 0.25 hours; Quantitative surveys (large), 0.40 hours; and Qualitative surveys, 1.50 hours; and Stakeholder surveys: Quantitative surveys, 0.25 hours and Qualitative surveys, 1.50 hours.

**Estimated Annual Burden Hours:** Consumer surveys: Quantitative surveys (medium), 3,000 hours; Quantitative surveys (large), 4,800 hours; and Qualitative surveys, 600 hours; and Stakeholder surveys: Quantitative surveys, 3,000 hours and Qualitative surveys, 600 hours.

**General Description of Report:** The Board uses this collection to inform consumer-focused research, implement

appropriate standards for the financial institutions relating to administrative, technical and physical safeguards for certain customer records and information. DFA 1002(12).

statutory requirements, and facilitate community development. The surveys in this collection inform the Board's work by identifying emerging risks and providing additional data on the issues that affect the well-being of consumers and communities and how the financial services marketplace functions.<sup>7</sup>

The surveys in this collection gather quantitative and qualitative information directly from individual consumers or households (consumer surveys) on consumer finance topics. This collection also gathers quantitative and qualitative information on current and emerging community economic issues from stakeholders (stakeholder surveys). Examples of stakeholders include, for example, such organizations as community groups, community development organizations, nonprofit service providers, faith-based service organizations, public sector agencies, small business owners, health care organizations, food banks, K-12 public and private schools, community colleges, community development financial institutions, credit unions, banks, and other financial institutions and companies offering financial products and services. While these surveys are ongoing, the frequency and content of the questions may change depending on economic conditions, regulatory or legislative developments, as well as changes in technology, business practices, and other factors affecting consumers, stakeholders, and communities.

**Legal Authorization and Confidentiality:** The Board's Legal Division has determined that the FR 3073 is generally authorized under sections 2A and 12A of the Federal Reserve Act. Section 2A requires that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee (FOMC) maintain

<sup>7</sup> Certain criteria apply to information collections conducted via the Board's generic clearance process. Such information collections shall (1) be vetted by the Board's clearance officer as well as the Division director responsible for the information collection, (2) display the OMB control number and respondents shall be informed that the information collection has been approved, (3) be used only in such cases where response is voluntary, (4) not be used to substantially inform regulatory actions or policy decisions, (5) be conducted only and exactly as described in the OMB submission, (6) involve only noncontroversial subject matter that will not raise concerns for other Federal agencies, (7) include information collection instruments that are each conducted only one time, (8) include a detailed justification of the effective and efficient statistical survey methodology (if applicable), and (9) collect personally identifiable information (PII) only to the extent necessary (if collecting PII, the form must display current privacy act notice). In addition, for each information collection instrument, respondent burden will be tracked and submitted to OMB.

long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the Federal Reserve Act, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to the regulations' bearing upon the general credit situation of the country (12 U.S.C. 263). The authority of the Federal Reserve to collect information to carry out the requirements of these provisions is implicit. Accordingly, the Federal Reserve is authorized to collect the information called for by the FR 3073 by sections 2A and 12A of the Federal Reserve Act.

The Board is responsible for implementing and drafting regulations and interpretations for various consumer protection laws. The information obtained from the FR 3073 may be used in support of the Board's development and implementation of regulatory provisions for these laws. Therefore, depending on the survey questions asked, the FR 3073 may be authorized pursuant to the Board's authority under one or more of the following consumer protection statutes:

- Community Reinvestment Act, (12 U.S.C. 2905);
- Competitive Equality Banking Act, (12 U.S.C. 3806);
- Expedited Funds Availability Act, (12 U.S.C. 4008);
- Truth in Lending Act, (15 U.S.C. 1604);<sup>8</sup>
- Fair Credit Reporting Act, (15 U.S.C. 1681s(e));<sup>9</sup>
- Equal Credit Opportunity Act, (15 U.S.C. 1691b);<sup>10</sup>
- Electronic Funds Transfer Act, (15 U.S.C. 1693b and 1693o–2);<sup>11</sup>

<sup>8</sup> Although the Dodd-Frank Act (DFA) cut back the Board's authority under the Truth in Lending Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers (DFA section 1100A(7)).

<sup>9</sup> Although the DFA cut back the Board's authority under the Fair Credit Reporting Act, the Board retains rule writing authority for red flags, address changes, and disposal of records (DFA sections 1002(12)(F) and 1088(a)(2)(D)).

<sup>10</sup> Although the DFA cut back the Board's authority under the Equal Credit Opportunity Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers (DFA section 1085(3)).

<sup>11</sup> Although the DFA cut back the Board's authority under the Electronic Fund Transfers Act, the Board retains rule writing authority for interchange fee regulations and authority to

- Gramm-Leach-Bliley Act, (15 U.S.C. 6801(b));<sup>12</sup> and

• Flood Disaster Protection Act of 1973, section 102 (42 U.S.C. 4012a). Additionally, depending upon the survey respondent, the information collection may be authorized under a more specific statute. Specifically, the Board is authorized to collect information from state member banks under section 9 of the Federal Reserve Act (12 U.S.C. 324); from bank holding companies (and their subsidiaries) under section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)); from Edge and agreement corporations under section 25 and 25A of the Federal Reserve Act (12 U.S.C. 602 and 625); and from U.S. branches and agencies of foreign banks under section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)) and under section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)). Participation in the FR 3073 is voluntary.

The ability of the Federal Reserve to maintain the confidentiality of information provided by respondents to the FR 3073 surveys will have to be determined on a case-by-case basis depending on the type of information provided for a particular survey. Some of the information collected on the surveys may be protected from Freedom of Information Act (FOIA) disclosure by FOIA exemptions 4 and 6. Exemption 4 protects from disclosure trade secrets and commercial or financial information, while Exemption 6 protects information "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (5 U.S.C. 552(b)(4) and (6)).

**Current Actions:** On February 13, 2017, the Board published a notice in the **Federal Register** (82 FR 10480) requesting public comment for 60 days on the extension, without revision, of the Generic Clearance for Consumer and Stakeholder Surveys. The comment period for this notice expired on April 14, 2017. The Board did not receive any comments.

**3. Report Title:** Report of Net Debit Cap.

**Agency Form Number:** FR 2226.

**OMB Control Number:** 7100–0217.

**Frequency:** Annually.

**Respondents:** Depository institution's board of directors.

implement regulations with respect to auto dealers (DFA sections 1075 and 1084).

<sup>12</sup> Although the DFA cut back the Board's authority under the Gramm-Leach-Bliley Act, the Board maintains the authority to establish appropriate standards for the financial institutions relating to administrative, technical and physical safeguards for certain customer records and information (DFA section 1002(12)).

**Estimated Number of Respondents:** De Minimis Cap, 941 respondents; Self-Assessment Cap, 125 respondents; and Maximum Daylight Overdraft Capacity, 3 respondents.

**Estimated Average Hours per Response:** De Minimis Cap, Self-Assessment Cap, and Maximum Daylight Overdraft Capacity, 1 hour.

**Estimated Annual Burden Hours:** De Minimis Cap, 941 hours; Self-Assessment Cap, 125 hours; and Maximum Daylight Overdraft Capacity, 3 hours.

**General Description of Report:** Federal Reserve Banks collect these data annually to provide information that is essential for their administration of the Board's Payment System Risk (PSR) policy. The reporting panel includes all financially healthy depository institutions with access to the discount window. The Report of Net Debit Cap comprises three resolutions, which are filed by a depository institution's board of directors depending on its needs. The first resolution is used to establish a de minimis net debit cap and the second resolution is used to establish a self-assessed net debit cap.<sup>13</sup> The third resolution is used to establish simultaneously a self-assessed net debit cap and maximum daylight overdraft capacity.

**Legal Authorization and Confidentiality:** The Board's Legal Division has determined that the FR 2226 is authorized pursuant to sections 11, 16, and 19 of the Federal Reserve Act (12 U.S.C. 248(i), 248–1, 464). The obligation to respond is required for the institution to obtain the benefit of an increase in daylight overdraft capacity beyond the limit afforded by the exempt-from-filing cap. The Board has confirmed that the disclosure of information collected on the FR 2226 would likely cause substantial harm to the competitive position of the respondent institution. Therefore, the FR 2226 is exempt from disclosure under exemption (b)(4) of the Freedom of Information Act (FOIA), which exempts from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)). In addition, information reported in connection with the second and third resolutions may be protected under

<sup>13</sup> Institutions use these two resolutions to establish a capacity for daylight overdrafts above the lesser of \$10 million or 20 percent of the institution's capital measure. Financially healthy U.S. chartered institutions that rarely incur daylight overdrafts in excess of the lesser of \$10 million or 20 percent of the institution's capital measure do not need to file board of directors' resolutions or self-assessments with their Reserve Bank.



section (b)(8) of FOIA, to the extent that such information is based on the institution's Capital, Assets, Management, Earnings, Liquidity, and Sensitivity (CAMELS) rating, and thus is related to examination reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions (5 U.S.C. 552(b)(8)).

**Current Actions:** On February 13, 2017, the Board published a notice in the **Federal Register** (82 FR 10480) requesting public comment for 60 days on the extension, without revision, of the Report of Net Debit Cap. The comment period for this notice expired on April 14, 2017. The Board did not receive any comments.

**4. Report Title:** Ad Hoc Payments Survey (FR 3054a), Currency Quality Sampling Survey (FR 3054b), Currency Quality Survey (FR 3054c), and Currency Functionality and Perception Survey (FR 3054d).

**Agency Form Number:** FR 3054a, FR 3054b, FR 3054c, and FR 3054d.

**OMB Control Number:** 7100-0332.

**Frequency:** FR 3054a, annually; FR 3054b, annually; FR 3054c, semi-annually; and FR 3054d, quarterly.

**Respondents:** Financial institutions (or depository institutions), individuals, law enforcement and nonfinancial businesses (banknote equipment manufacturers, or global wholesale bank note dealers).

**Estimated Number of Respondents:** FR 3054a, 20,000 respondents; FR 3054b, 300 respondents; FR 3054c, 25 respondents; and FR 3054d, 250 respondents.

**Estimated Average Hours per Response:** FR 3054a, 0.75 hours; FR 3054b, 0.50 hours; FR 3054c, 30 hours; and FR 3054d, 2.50 hours.

**Estimated Annual Burden Hours:** FR 3054a, 15,000 hours; FR 3054b, 150 hours; FR 3054c, 1,500 hours; and FR 3054d, 2,500 hours.

**General Description of Report:** The FR 3054a is an annual survey used to obtain information specifically tailored to the Federal Reserve's operational and fiscal agency responsibilities. The FR 3054a may be conducted independently by the Board or jointly with another government agency, a Reserve Bank, or a private firm. The FR 3054b is an annual survey used to assess the quality of currency in circulation and may be conducted by the Federal Reserve Board, jointly with the Federal Reserve Bank of San Francisco's Cash Product Office (CPO), the Federal Reserve Bank of Richmond's Currency Technology Office (CTO), and each Reserve Bank's cash department. The FR 3054c is a semiannual survey used to determine

depository institutions' and Banknote Equipment Manufacturers' (BEMs) opinions of currency quality and may be conducted jointly with the CPO and CTO. The FR 3054d is a survey used to assess the functionality of Federal Reserve notes in bank-note handling equipment. The data collected from the FR 3054d are used as inputs for future designs of Federal Reserve notes. The FR 3054d may be conducted jointly with the U.S. Treasury's Bureau of Engraving and Printing (BEP) and the CTO. The FR 3054a, FR 3054b, FR 3054c, and FR 3054d are sent to financial and nonfinancial businesses.

The Federal Reserve Board may use the data collected from these surveys to determine (1) demand for currency and coin, (2) market preferences regarding currency quality, (3) quality of currency in circulation, (4) features used by the public and bank note authentication equipment to denominate and authenticate bank notes, and (5) whether changes to Reserve Bank sorting algorithms are necessary to ensure that currency in circulation remains fit for commerce.

**Legal Authorization and Confidentiality:** The Board's Legal Division has determined that section 11(d) of the Federal Reserve Act (12 U.S.C. 248(d)) authorizes the Board to "supervise and regulate through the Secretary of the Treasury the issue and retirement of Federal Reserve notes, except for the cancellation and destruction, and accounting with respect to such cancellation and destruction, of notes unfit for circulation, and to prescribe rules and regulations under which such notes may be delivered by the Secretary of the Treasury to the Federal Reserve agents applying therefor." This provision of the Federal Reserve Act provides the legal authorization for this information collection. The obligation to respond to the FR 3054a, FR 3054b, FR 3054c, and FR 3054d is voluntary.

Because survey questions may differ from survey to survey, it is difficult to determine in advance whether the information collected will be considered confidential. However, information may be exempt from disclosure under exemption 4 of the Freedom of Information Act, (5 U.S.C. 552(b)(4)), if disclosure would likely have the effect of (1) impairing the government's ability to obtain the necessary information in the future, or (2) causing substantial harm to the competitive position of the respondent. Additionally, should survey responses contain any information of a private nature the disclosure of which would constitute "a clearly unwarranted invasion of personal privacy," such

information may be exempt from disclosure under exemption 6, (5 U.S.C. 552(b)(6)). Confidentiality matters should be treated on a case-by-case basis to determine if any of the above exemptions apply.

**Current Actions:** On February 13, 2017, the Board published a notice in the **Federal Register** (82 FR 10480) requesting public comment for 60 days on the extension, without revision, of the Ad Hoc Payments Survey (FR 3054a), Currency Quality Sampling Survey (FR 3054b), Currency Quality Survey (FR 3054c), and Currency Functionality and Perception Survey (FR 3054d). The comment period for this notice expired on April 14, 2017. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, May 9, 2017.

**Ann E. Mishback,**

*Secretary of the Board.*

[FR Doc. 2017-09692 Filed 5-12-17; 8:45 am]

**BILLING CODE 6210-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Secondary Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the secondary review of applications in response to Funding Opportunity Announcements (FOAs), CE17-001, Research Using Linked Data to Understand Motor Vehicle Injury Among Older Adults; and CE17-002, Development and Evaluation of Sports Concussion Prevention Strategies.

**Time and Date:** 8:00 a.m.–5:00 p.m., EDT, June 8, 2017 (Closed).

**Place:** Teleconference.

**Status:** The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

**Matters for Discussion:** The meeting will include the secondary review, discussion, and evaluation of applications received in response to FOAs "Research Using Linked Data to Understand Motor Vehicle Injury

Among Older Adults”, CE17-001; and “Development and Evaluation of Sports Concussion Prevention Strategies”, CE17-002.

**Contact Person for More Information:**  
Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F-63, Atlanta, Georgia 30341, Telephone (770) 488-1430.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09711 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Request for Nominations of Candidates To Serve as Members of the Community Preventive Services Task Force (CPSTF)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS) announces the opening of the nomination period for individuals qualified to serve as members of the Community Preventive Services Task Force (CPSTF) to serve 5-year terms starting in 2018 or 2019.

**DATES:** Nomination packages must be received by 11:59 p.m. EDT on Monday, July 3, 2017. Complete nomination packages must be submitted by the deadline in order to be considered.

**ADDRESSES:** Nomination packages should be submitted electronically to [cpstf@cdc.gov](mailto:cpstf@cdc.gov) or by U.S. mail to the address provided below in **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Donyelle Russ, Center for Surveillance, Epidemiology, and Laboratory Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS

E-69, Atlanta, Georgia 30329. Phone (404) 498-3971, email: [cpstf@cdc.gov](mailto:cpstf@cdc.gov).

The submission process and qualification requirements, the selection process, and the time commitment of Task Force members are described below in **SUPPLEMENTARY INFORMATION**.

#### SUPPLEMENTARY INFORMATION:

##### Background of the CPSTF

The CPSTF was established in 1996 by the U.S. Department of Health and Human Services (HHS) to identify population health interventions that are scientifically proven to save lives, increase lifespans, and improve quality of life. The CPSTF produces recommendations (and identifies evidence gaps) to help inform the decision making of federal, state, and local health departments, other government agencies, communities, healthcare providers and organizations, employers, schools and research organizations.

The CPSTF (<http://www.thecommunityguide.org/about/task-force-members.html>), is an independent, nonpartisan, nonfederal, unpaid panel of public health and prevention experts that is statutorily mandated to provide evidence-based findings and recommendations about community preventive services, programs, and policies to improve health (Public Health Service Act § 399U(a)). Its members represent a broad range of research, practice, and policy expertise in community preventive services, public health, health promotion, and disease prevention. The CPSTF members are appointed by the CDC Director and serve five year terms, with extensions possible in order to maintain a full scope of expertise, complete specific work, and ensure consistency of CPSTF methods and recommendations. CDC provides “ongoing administrative, research, and technical support for the operations of the Task Force” as directed by the Public Health Service Act § 399U(c).

The CPSTF bases its recommendations on rigorous, replicable systematic reviews of the scientific literature, which do all of the following:

- Evaluate the strength and limitations of published scientific studies about community-based health promotion and disease prevention programs, services, and policies;
- Assess whether the programs, services, and policies are effective in promoting health and preventing disease, injury, and disability;

- Examine the applicability of these programs, services, and policies to varied populations and settings; and
- Conduct economic analyses of recommended interventions.

These systematic reviews are conducted, with CPSTF oversight, by scientists and subject matter experts from the CDC in collaboration with a wide range of government, academic, policy, and practice-based partners. CPSTF findings and recommendations and the systematic reviews on which they are based are available at <http://www.thecommunityguide.org/index.html>.

#### Nomination Submissions

Nomination packages must be submitted electronically, and should include:

- (1) The nominee’s current curriculum vitae;
- (2) A brief biographic sketch of the nominee;
- (3) The nominee’s contact information, including mailing address, email address, and telephone number; and
- (4) A brief explanation of how the nominee meets the qualification requirements and how he/she would contribute to the CPSTF. The information provided should also attest to the nominee’s willingness to serve as a member of the CPSTF and specify availability (*i.e.*, calendar year 2018 or 2019 or either).

CDC will later ask for detailed information that will permit evaluation of possible significant conflicts of interest, as appropriate and applicable.

To obtain diverse perspectives, CDC encourages nominations of all races, genders, ages and persons living with disabilities. Interested individuals may self-nominate. Organizations and individuals may nominate one or more persons qualified for membership on the CPSTF. Federal employees are not eligible to be CPSTF members. Individuals nominated prior to this round, who continue to have interest in serving on the CPSTF, can be re-nominated.

#### Qualification Requirements

To qualify for the CPSTF and support its mission, a nominee must, at a minimum, demonstrate knowledge, experience, and national leadership in the following areas:

- The critical evaluation of research or policy, and/or in the methods of evidence review; and
- Research, evaluation, or implementation of community and/or health system-based programs, policies,



or services to improve population health.

Strongest consideration will be given to individuals with expertise and experience:

- That is applied, with practical applications for public health action;
- That addresses broad public health considerations, or is beyond one or two highly defined areas; and
- In state and/or local health departments.

In the current round of nominations, the strongest consideration will also be given to people with expertise and experience in systematic review methods, economic analysis, injury (in particular substance abuse and violence prevention), aging, and rural health. The CPSTF will also benefit from members with expertise and experience in the following areas: Minority health; worksite health; military health and readiness; and health media, communications and marketing.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

All nominated individuals will be considered for CPSTF membership.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the CPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the CPSTF. Applicants must have adequate time to contribute substantially to the work products of the CPSTF.

#### Nominee Selection

Appointments to the CPSTF will be made on the basis of qualifications as outlined above (see Qualification Requirements) and the current expertise needs of the CPSTF.

#### Time Commitment

The CPSTF conducts three, two-day meetings each year that are open to the public. In addition, a significant portion of the CPSTF's work occurs between meetings during conference calls and via email discussions. Member duties include overseeing the process of prioritizing Task Force work, participating in the development and refinement of systematic review methods, serving as members of individual review teams, and issuing recommendations and findings to help inform the decision making process about policy, practice, research, and research funding in a wide range of U.S.

settings. The estimated workload for CPSTF members is approximately 168 hours a year in addition to the three in-person meetings. The members are all volunteers and do not receive any compensation beyond support for travel to in-person meetings.

Dated: May 10, 2017.

**Lauren Hoffmann,**

*Acting Executive Secretary, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09733 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to PAR 13-129, Occupational Safety and Health Research, NIOSH Member Conflict Review.

*Times and Dates:* 1:00 p.m.–4:00 p.m., EDT, June 8, 2017 (Closed).

*Place:* Teleconference.

*Status:* The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

*Matters for Discussion:* The meeting will include the initial review, discussion, and evaluation of applications received in response to "NIOSH Member Conflict Review", PAR 13-129.

*Contact Person for More Information:* Nina Turner, Ph.D., Scientific Review Officer, NIOSH, CDC, 1095 Willowdale Road, Mailstop G905, Morgantown, West Virginia 26506, Telephone: (304) 285-5976.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09710 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention Advisory

#### Committee on Immunization Practices

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announce the following meeting of the aforementioned committee.

*Times and Dates:*

8:30 a.m.–5:35 p.m., EDT, June 21, 2017  
8:00 a.m.–1:00 p.m., EDT, June 22, 2017

*Place:* CDC, Tom Harkin Global Communications Center, 1600 Clifton Road NE., Building 19, Kent "Oz" Nelson Auditorium, Atlanta, Georgia 30329.

*Status:* Open to the public, limited only by the space available. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt is June 12, 2017. All requests must contain the name, address, and organizational affiliation of the speaker, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length and delivered in 3 minutes or less. Please note that the public comment period may end before the time indicated, following the last call for comments. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Written comments received in advance of the meeting will be included in the official record of the meeting.

The meeting will be webcast live via the World Wide Web; for instructions and more information on ACIP please visit the ACIP Web site: <http://www.cdc.gov/vaccines/acip/index.html>.

*Purpose:* The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to

vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

**Matters for Discussion:** The agenda will include discussions on: Meningococcal vaccine; influenza; hepatitis vaccines; herpes zoster vaccine; varicella; yellow fever vaccine; mumps disease and vaccine; Dengue virus vaccines; Human Papillomavirus (HPV); Anthrax vaccine workgroup; Vaccine Adverse Event Reporting System (VAERS) and vaccine supply. A recommendation vote is scheduled for hepatitis vaccines and influenza. A Vaccines for Children (VFC) vote is scheduled for hepatitis vaccines.

Agenda items are subject to change as priorities dictate.

**ACIP Charter:** <https://www.cdc.gov/vaccines/acip/committee/charter.html>.

**Contact Person for More Information:** Stephanie Thomas, National Center for Immunization and Respiratory Diseases, CDC, 1600 Clifton Road NE., MS-A27, Atlanta, Georgia 30329, telephone 404/639-8836; Email [ACIP@CDC.GOV](mailto:ACIP@CDC.GOV).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09707 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Interagency Committee on Smoking and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Interagency Committee on Smoking and Health, Department of Health and

Human Services, has been renewed for a 2-year period through March 20, 2019.

For information, contact Simon McNabb, Designated Federal Officer, Interagency Committee on Smoking and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, Patriot's Plaza, 395 E Street SW., M/S P06, Washington, DC 20201, telephone 202/245-0550 or fax 202/245-0599, Email: [BOL1@cdc.gov](mailto:BOL1@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09708 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns the Centers for Disease Control and Prevention (CDC) initial review of applications in response to Funding Opportunity Announcement (FOA) TS17-001, Identify and Characterize Potential Environmental Risk Factors for Amyotrophic Lateral Sclerosis (ALS), TS17-001.

**Summary:** This publication corrects a notice that was published in the **Federal Register** on May 4, 2017, Volume 82, No. 85, page 20895. The meeting time and date should read as follows:

**Time and Date:** 8:00 a.m.–6:00 p.m., EST, June 14, 2017 (Closed).

**Contact Person for More Information:** Oscar Tarragó, M.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341, Telephone: (770) 488-3492.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2017-09709 Filed 5-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2017-D-2834]

#### Three-Month Extension of Certain Tobacco Product Compliance Deadlines Related to the Final Deeming Rule; Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled “Three-Month Extension of Certain Tobacco Product Compliance Deadlines Related to the Final Deeming Rule.” This guidance is intended to assist persons who manufacture, package, sell, offer to sell, distribute, or import for sale and distribution within the United States newly regulated tobacco products, roll-your-own (RYO) tobacco, and cigarette tobacco in complying with the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), and FDA regulations.

**DATES:** Submit either electronic or written comments on Agency guidances at any time.

**ADDRESSES:** You may submit comments as follows:

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or

confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA-2017-D-2834 for “Three-Month Extension of Certain Tobacco Product Compliance Deadlines Announced in the Final Deeming Rule.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your

comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of this guidance to the Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

#### FOR FURTHER INFORMATION CONTACT:

Deirdre Jurand, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, email: [CTPRRegulations@fda.hhs.gov](mailto:CTPRRegulations@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

FDA is announcing the availability of a guidance for industry entitled “Three-Month Extension of Certain Tobacco Product Compliance Deadlines Related to the Final Deeming Rule.” This guidance is intended to assist persons who manufacture, package, sell, offer to sell, distribute, or import for sale and distribution within the United States newly regulated tobacco products, RYO tobacco, and cigarette tobacco in complying with the FD&C Act, as amended by the Tobacco Control Act, and FDA regulations. We are issuing this guidance consistent with our good guidance practices (GGP) regulation (§ 10.115 (21 CFR 10.115)). We are implementing this guidance without prior public comment because we have determined that prior public

participation is not feasible or appropriate given that the 3-month extension applies to provisions with imminent compliance deadlines (§ 10.115(g)(2)). We made this determination because FDA needs to communicate in a timely manner that the guidance provides a 3-month extension to the compliance deadlines for certain provisions under the final deeming rule that are set for as early as May 2017. Although this guidance document is immediately effective, it remains subject to comment in accordance with FDA’s GGP regulation.

The Tobacco Control Act (Pub. L. 111-31) granted FDA the authority to immediately regulate the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, RYO, and smokeless tobacco products to protect the public health and to reduce tobacco use by minors.

The Tobacco Control Act also gave FDA the authority to issue a regulation deeming all other products that meet the statutory definition of a tobacco product to be subject to Chapter IX of the FD&C Act (section 901(b) (21 U.S.C. 387a(b)) of the FD&C Act). On May 10, 2016, FDA issued that rule, extending FDA’s tobacco product authority to all products that meet the definition of tobacco product in the law (except for accessories of newly regulated tobacco products), including electronic nicotine delivery systems, cigars, hookah, pipe tobacco, nicotine gels, dissolvables that were not already subject to the FD&C Act, and other tobacco products that may be developed in the future (81 FR 28974 at 28976) (“the final deeming rule”).<sup>1</sup> Chapter IX of the FD&C Act now applies to newly regulated tobacco products, including sections 904(a)(1) and (4) (21 U.S.C. 387d(a)(1) and (4)) (ingredient listing, health document submissions), 903(a)(4) and (a)(8) (21 U.S.C. 387c(a)(4) and (a)(8)) (labeling requirements), 904(c)(1), 905(b), (c), (d), (h) (registration), (21 U.S.C. 387e(b), (c), (d), (h)) 905(i)(1) (product listing), 907(a)(1)(B) (21 U.S.C. 387g(a)(1)(B)) (additional special rule), 911 (21 U.S.C. 387k) (modified risk claims), 904(a)(3) and 915 (21 U.S.C. 387o) (harmful and potentially harmful constituent reporting), and 920 (21 U.S.C. 387t) (labeling, recordkeeping, records inspection). The final rule also included several requirements that apply to a

<sup>1</sup> “Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products,” 81 FR 28974 (May 10, 2016).

subgroup of products referred to as “covered tobacco products.”

FDA is providing a 3-month extension that applies to effective dates and compliance deadlines for requirements under the final rule set for May 10, 2017, or later and to all categories of the newly regulated products, as well as the addictiveness warning requirement for RYO and cigarette tobacco.

The guidance represents the current thinking of the FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

## II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in section 910(c)(1)(A)(i) of the FD&C Act and 21 CFR part 1143 have been approved under OMB control number 0910–0768; the collections of information in section 905(j) of the FD&C Act have been approved under OMB control number 0910–0673; the collections of information in section 904(a)(4) of the FD&C Act have been approved under OMB control number 0910–0654; the collections of information in 21 CFR part 1107 have been approved under OMB control number 0910–0684; the collections of information in section 904(c)(1), 905(b),(c),(d), (h), and 905(i)(1) of the FD&C Act have been approved under OMB control number 0910–0650.

## III. Electronic Access

Persons with access to the Internet may obtain an electronic version of the guidance at either <https://www.regulations.gov> or <https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/default.htm>.

Dated: May 10, 2017.

**Anna K. Abram,**

*Deputy Commissioner for Policy, Planning, Legislation, and Analysis.*

[FR Doc. 2017–09754 Filed 5–12–17; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, Development of Psychosocial Therapeutic and Preventive Interventions for Mental Disorders.

*Date:* June 2, 2017.

*Time:* 9:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892, 301–443–7861, [dsommers@mail.nih.gov](mailto:dsommers@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, Early Stage Testing of Pharmacologic or Device-based Interventions for the Treatment of Mental Disorders.

*Date:* June 7, 2017.

*Time:* 9:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892, 301–443–7861, [dsommers@mail.nih.gov](mailto:dsommers@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, BRAIN Initiative: Research on the Ethical Implications of Advancements in Neurotechnology and Brain Science (R01) RFA.

*Date:* June 8, 2017.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Megan Kinnane, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852–9609, 301–402–6807, [libbeym@mail.nih.gov](mailto:libbeym@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281)

Dated: May 9, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–09701 Filed 5–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: HIV/AIDS Innovative Research Applications.

*Date:* May 25, 2017.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301–451–8754, [tuo@nei.nih.gov](mailto:tuo@nei.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Clinical Molecular Imaging and Probe Development.

*Date:* June 7–8, 2017.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Curtis A DoubleTree by Hilton, 1405 Curtis Street, Denver, CO 80202.

*Contact Person:* Ruth Grossman, DDS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, Bethesda, MD 20892, (301) 435–2409, [rgrossmanrs@mail.nih.gov](mailto:rgrossmanrs@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Nursing and Related Clinical Sciences II.

*Date:* June 7–8, 2017.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

*Contact Person:* Martha L. Hare, RN, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 451–8504, [harem@mail.nih.gov](mailto:harem@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Topics.

*Date:* June 7, 2017.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–1041, [chengc@csr.nih.gov](mailto:chengc@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR 16–242: Bioengineering Research.

*Date:* June 8, 2017.

*Time:* 8:00 a.m. to 9:00 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites DC Convention Center, 900 10th Street NW., Washington, DC 20001.

*Contact Person:* Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, [bennetty@csr.nih.gov](mailto:bennetty@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Development and Application of PET and SPECT Imaging Ligands as Biomarkers for Drug Discovery and for Pathophysiological Studies of CNS.

*Date:* June 8, 2017.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Curtis—A DoubleTree by Hilton Hotel, 1405 Curtis Street, Denver, CO 80202.

*Contact Person:* Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, [wrightds@csr.nih.gov](mailto:wrightds@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* May 9, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–09698 Filed 5–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Resource-Related Research Projects (R24).

*Date:* June 6, 2017.

*Time:* 2:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3F31, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Tracy A. Shahan, Ph.D., MBA, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3F31, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 79823, Bethesda, MD 20892–9823, (240) 669–5030, [tshahan@niaid.nih.gov](mailto:tshahan@niaid.nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID CLINICAL TRIAL PLANNING GRANT (R34).

*Date:* June 12, 2017.

*Time:* 1:00 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3G21, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G21A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5050, [rbinder@niaid.nih.gov](mailto:rbinder@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

*Dated:* May 9, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–09700 Filed 5–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Cell Biology Integrated Review Group; Development—1 Study Section.

*Date:* June 8, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301–435–1175, [berestm@mail.nih.gov](mailto:berestm@mail.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.

*Date:* June 8–9, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Pier 2620 Hotel Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.  
*Contact Person:* Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301-537-9986, [macarthurlh@csr.nih.gov](mailto:macarthurlh@csr.nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Biophysics of Neural Systems Study Section.

*Date:* June 8, 2017.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

*Contact Person:* Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040-A, MSC 7850, Bethesda, MD 20892, 301-435-1235, [geoffreys@csr.nih.gov](mailto:geoffreys@csr.nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Wenchu Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301-435-0681, [liangw3@csr.nih.gov](mailto:liangw3@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Molecular and Cellular Endocrinology.

*Date:* June 8-9, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

*Contact Person:* Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182 MSC 7892, Bethesda, MD 20892, 301 435-2514, [riverase@csr.nih.gov](mailto:riverase@csr.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroimmunology and Brain Tumors Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892-7846, 301-435-1236, [zhaow@csr.nih.gov](mailto:zhaow@csr.nih.gov).

*Name of Committee:* Risk, Prevention and Health Behavior Integrated Review Group; Interventions to Prevent and Treat Addictions Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* JW Marriott New Orleans, 614 Canal Street, New Orleans, LA 70130.

*Contact Person:* Miriam Mintzer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, Bethesda, MD 20892, (301) 523-0646, [mintzermz@csr.nih.gov](mailto:mintzermz@csr.nih.gov).

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

*Contact Person:* Joseph D. Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408-9465, [moscajos@csr.nih.gov](mailto:moscajos@csr.nih.gov).

*Name of Committee:* Immunology Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Silver Spring, 8727 Colesville Road, Silver Spring, MD 20910.

*Contact Person:* David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301-435-1152, [dwinter@mail.nih.gov](mailto:dwinter@mail.nih.gov).

*Name of Committee:* Immunology Integrated Review Group; Vaccines Against Microbial Diseases Study Section.

*Date:* June 8-9, 2017.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

*Contact Person:* Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435-2778, [wangjia@csr.nih.gov](mailto:wangjia@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR-16-064: Small Grants for New Investigators to Promote Diversity in Health-Related Research (R21).

*Date:* June 8, 2017.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, Bethesda, MD 20892, 301-827-4417, [jianxinhu@csr.nih.gov](mailto:jianxinhu@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Population Sciences and Epidemiology IRG.

*Date:* June 8, 2017.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254-9975, [helmersk@csr.nih.gov](mailto:helmersk@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 9, 2017.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-09696 Filed 5-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Imaging Technology A Study Section.

*Date:* June 7-8, 2017.

*Time:* 7:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Curtis—A DoubleTree by Hilton Hotel, 1405 Curtis Street, Denver, CO 80202.

*Contact Person:* Ruth Grossman, DDS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, Bethesda, MD 20892, (301) 435-2409, [grossmanrs@mail.nih.gov](mailto:grossmanrs@mail.nih.gov).

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Imaging Technology B Study Section.

*Date:* June 7–8, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Curtis—A DoubleTree by Hilton Hotel, 1405 Curtis Street, Denver, CO 80202.

*Contact Person:* Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, [mohsenim@csr.nih.gov](mailto:mohsenim@csr.nih.gov).

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Clinical Molecular Imaging and Probe Development.

*Date:* June 7–8, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Curtis—A DoubleTree by Hilton Hotel, 1405 Curtis Street, Denver, CO 80202.

*Contact Person:* Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, [wrightds@csr.nih.gov](mailto:wrightds@csr.nih.gov).

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Chemo/Dietary Prevention Study Section.

*Date:* June 8, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Kinzie Hotel, 20 West Kinzie Street, Chicago, IL 60654.

*Contact Person:* Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, [kotliars@mail.nih.gov](mailto:kotliars@mail.nih.gov).

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

*Date:* June 8–9, 2017.

*Time:* 8:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.

*Contact Person:* Baljit S Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, [moongabs@mail.nih.gov](mailto:moongabs@mail.nih.gov).

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.

*Date:* June 8–9, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Marriott Pentagon City, 550 Army Navy Drive, Arlington, VA 22202.

*Contact Person:* Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, [ybi@csr.nih.gov](mailto:ybi@csr.nih.gov).

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

*Date:* June 8, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

*Contact Person:* James W Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, [mackj2@csr.nih.gov](mailto:mackj2@csr.nih.gov).

*Name of Committee:* Immunology Integrated Review Group; Hypersensitivity, Autoimmune, and Immune-mediated Diseases Study Section.

*Date:* June 8–9, 2017.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

*Contact Person:* Deborah Hodge, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4207, MSC 7812, Bethesda, MD 20892, (301) 435–1238, [hodged@mail.nih.gov](mailto:hodged@mail.nih.gov).

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

*Date:* June 8–9, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–1722, [eissenstatma@csr.nih.gov](mailto:eissenstatma@csr.nih.gov).

*Name of Committee:* Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

*Date:* June 9, 2017.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Fouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, [elzaataf@csr.nih.gov](mailto:elzaataf@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* May 9, 2017.

**Natasha M. Copeland,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–09697 Filed 5–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Council of Research Advocates.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (<http://videocast.nih.gov>).

*Name of Committee:* National Cancer Institute Council of Research Advocates.

*Date:* June 9, 2017.

*Time:* 9:00 a.m. to 4:30 p.m.

*Agenda:* NCI Acting Director's Update, NCI Update, and Legislative Update.

*Place:* National Institutes of Health, 40 Convent Drive, Building 40, Conference Rooms 1201/1203, Bethesda, MD 20892.

*Contact Person:* Amy Williams, NCI Office of Advocacy Relations, National Cancer Institute, NIH, 31 Center Drive, Building 31, Room 11A48, Bethesda, MD 20892, 301–594–3194, [williamam@mail.nih.gov](mailto:williamam@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCRA: <http://deainfo.nci.nih.gov/advisory/ncra/ncra.htm>, where an agenda and any additional information for the meeting will be posted when available.



(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: May 9, 2017.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-09699 Filed 5-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-NEW]

#### Agency Information Collection Activities; New Collection: Independent Evaluation of the Systematic Alien Verification for Entitlements (SAVE) Program

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until June 14, 2017. This process is conducted in accordance with 5 CFR 1320.10.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Comments may also be submitted via fax at (202) 395-5806. (This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615-NEW.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission

you make. For additional information please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, Telephone number (202) 272-8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at (800) 375-5283; TTY (800) 767-1833.

#### SUPPLEMENTARY INFORMATION:

##### Comments

The information collection notice was previously published in the **Federal Register** on February 23, 2017, at 82 FR 11476, allowing for a 60-day public comment period. USCIS received two comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2016-0007 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

(1) *Type of Information Collection Request:* New Collection.

(2) *Title of the Form/Collection:* Independent Evaluation of the Systematic Alien Verification for Entitlements (SAVE) Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G-1503; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal Government; or State, local or Tribal Government. The SAVE program is a voluntary program for federal, state, and local government agencies to assist participating agencies with verifying the immigration status of the benefit's applicants. The SAVE program has expanded into a nation-wide program that conducts immigration status verifications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

SAVE Evaluation Site Visit Protocols Questionnaire—550 respondents responding at an estimated 20 minutes per response.

SAVE Evaluation Web Survey—240 respondents responding at an estimated 2 hours 15 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 721 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$0.00.

Dated: May 10, 2017.

**Samantha Deshommes,**

*Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 2017-09771 Filed 5-12-17; 8:45 am]

**BILLING CODE 9111-97-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6030-N-01]

### Reducing Regulatory Burden; Enforcing the Regulatory Reform Agenda Under Executive Order 13777

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with Executive Orders 13771, "Reducing Regulation and Controlling Regulatory Costs," and



13777, “Enforcing the Regulatory Reform Agenda,” Improving Regulation and Regulatory Review,” HUD is reviewing its existing regulations to assess their compliance costs and reduce regulatory burden. As required by Executive Order 13777, HUD is in the process of establishing a Regulatory Task Force charged with identifying agency regulations that should be repealed, replaced, or modified. As part of this review, HUD invites public comments to assist in identifying existing regulations that may be outdated, ineffective, or excessively burdensome. HUD’s goal in conducting the review is to make the Department’s regulations more effective and less burdensome in achieving HUD’s mission to create strong, sustainable, inclusive communities, and quality affordable homes for all.

**DATES:** *Comment Due Date:* June 14, 2017.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title.

*Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

*No Facsimile Comments.* Facsimile (fax) comments are not acceptable.

*Public Inspection of Public Comments.* All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an

appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number). Copies of all comments submitted are available for inspection and downloading at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

Ariel Pereira, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Suite 10282, Washington, DC 20410; telephone number 202–402–5138 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Information Relay Service, toll-free, at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. HUD’s Regulatory Mission*

HUD plays a significant role in the lives of families and in communities throughout America. HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Consistent with that mission, HUD has statutory responsibility for a wide variety of regulations. HUD’s regulatory programs and initiatives aid the creation of suitable living environments, and help to ensure that all citizens have access to decent, safe, and sanitary housing.

*B. The Regulatory Reform Agenda: Executive Orders 13771 and 13777*

On January 30, 2017, President Trump issued Executive Order 13771, entitled “Reducing Regulation and Controlling Regulatory Costs.”<sup>1</sup> Executive Order 13771 provides that “it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.”<sup>2</sup> Toward that end, Executive Order 13771 directs that “for every one new regulation issued, at least two prior regulations be identified for elimination.”<sup>3</sup>

Consistent with these policy goals, on February 24, 2017, President Trump issued Executive Order 13777, entitled “Enforcing the Regulatory Reform

Agenda.”<sup>4</sup> The purpose of the Executive Order is to alleviate unnecessary regulatory burdens placed on the American people. Executive Order 13777 builds upon other Administration regulatory reform efforts and, in particular, the policy announced by the President in Executive Order 13771. Executive Order 13777 directs each agency to establish a Regulatory Task Force to evaluate existing regulations and identify those that may merit repeal, replacement, or modification. Section 3(d) of the Order provides that, at a minimum, each task force must attempt to identify regulations that:

1. Eliminate jobs, or inhibit job creation;
2. Are outdated, unnecessary, or ineffective;
3. Impose costs that exceed benefits;
4. Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
5. Are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
6. Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

**II. This Notice—HUD’s Implementation of Executive Order 13777**

HUD is in the process of establishing its Regulatory Task Force. As the Task Force commences its work, HUD seeks suggestions for specific current regulations that may be outdated, ineffective, or excessively burdensome, and, therefore, warranting repeal, replacement, or modification. Executive Order 13777 encourages such public input, providing that “each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.”<sup>5</sup>

The following is the list of topics on which HUD specifically seeks comments. The topics represent a preliminary attempt to identify issues

<sup>1</sup> Executive Order 13771 was subsequently published in the **Federal Register** on February 3, 2017, at 82 FR 9339.

<sup>2</sup> Section 1 of Executive Order 13771.

<sup>3</sup> *Id.*

<sup>4</sup> The Executive Order was subsequently published in the **Federal Register** on March 1, 2017, at 82 FR 12285.

<sup>5</sup> Section 3(e) of Executive Order 13777.

raised by HUD's effort to evaluate and identify regulations that merit repeal, replacement, or modification. Comments should reference a specific regulation by citation to the Code of Federal Regulations, and provide information on the perceived problem and the rationale for any recommended solution. This is a nonexhaustive list that is meant to assist in the formulation of comments and is not intended to limit the issues that commenters may choose to address.

1. Are there any regulations that should be repealed, replaced, or modified?

2. For each regulation identified in question number 1, please identify whether the regulation:

(a) Results in the elimination of jobs, or inhibits job creation;

(b) Is outdated, unnecessary, or ineffective;

(c) Imposes costs that exceed benefits;

(d) Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies;

(e) Is inconsistent with the requirements or regulations of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), which requires that agencies maximize the quality, objectivity, and integrity of the information (including statistical information) they disseminate; or

(f) Derives from or implements Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

3. What factors should HUD use when considering how to prioritize rules when implementing the regulatory offsets required by Executive Order 13771?

4. Are there any HUD regulatory requirements that have been overtaken by technological developments? Can new technologies be used to modify, streamline, or do away with these requirements?

5. Are there any existing HUD requirements that duplicate or conflict with requirements of another Federal agency? Can the requirement be modified to eliminate the conflict?

6. What are the estimated total compliance costs of the HUD regulations to which you or your organization must comply? This should include the costs of complying with information collections, recordkeeping, and other requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3522).

Dated: May 9, 2017.

**Benjamin S. Carson, Sr.,**

*Secretary.*

[FR Doc. 2017–09730 Filed 5–12–17; 8:45 am]

**BILLING CODE 4210–67–P**

## INTER-AMERICAN FOUNDATION

### Sunshine Act Meetings

**TIME AND DATE:** May 22, 2017, 11:00 a.m.–12:00 p.m.

**PLACE:** Via tele-conference hosted at Inter-American Foundation, 1331 Pennsylvania Ave. NW., Suite 1200, North Building, Washington, DC 20004.

**STATUS:** Meeting of the Board of Directors, Open to the Public.

**MATTERS TO BE CONSIDERED** Resolution to Approve 2018–2022 Strategic Plan.

**FOR DIAL-IN INFORMATION CONTACT:** Karen Vargas, Executive Assistant, (202) 524–8869.

**CONTACT PERSON FOR MORE INFORMATION:** Paul Zimmerman, General Counsel, (202) 683–7118.

**Paul Zimmerman,**  
*General Counsel.*

[FR Doc. 2017–09824 Filed 5–11–17; 11:15 am]

**BILLING CODE 7025–01–P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Pool and Spa Enclosures*, DN 3223; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade

Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Aqua Shield, Inc. on May 10, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pool and spa enclosures. The complaint names as respondents Inter Pool Cover Team (“IPC”) of the Czech Republic; Alukov HZ Spol. S.R.O. of the Czech Republic; Alukov, Spol. S.R.O. of Slovakia; Pool & Spa Enclosures, LLC of Monroe Township, NJ; and *PoolAndSpa.com* of Las Vegas, NV. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States

relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3223") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>1</sup>). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business

information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 10, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017–09769 Filed 5–12–17; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Consumer Electronic Devices, Including Televisions, Gaming Consoles, Mobile Phones and Tablets, and Network-Enabled DVD and Blu-Ray Players*, DN 3222; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The

public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of ARRIS Enterprises LLC on May 9, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain consumer electronic devices, including televisions, gaming consoles, mobile phones and tablets, and network-enabled DVD and Blu-Ray players. The complaint names as respondents Sony Corporation of Japan; Sony Corporation of America of New York, NY; Sony Electronics Inc. of San Diego, CA; Sony Interactive Entertainment, Inc. of Japan; Sony Mobile Communications (USA), Inc. of San Mateo, CA; Sony Interactive Entertainment LLC of San Mateo, CA; and Sony Interactive Entertainment America LLC of San Mateo, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3222") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>1</sup>). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the

Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 10, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017–09742 Filed 5–12–17; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1056]

### Certain Collapsible Sockets for Mobile Electronic Devices and Components Thereof; Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on

April 10, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of PopSockets LLC of Boulder, Colorado. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain collapsible sockets for mobile electronic devices and components thereof by reason of infringement of U.S. Patent No. 8,560,031 ("the '031 patent"). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

### Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on May 9, 2017, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>

United States, the sale for importation, or the sale within the United States after importation of certain collapsible sockets for mobile electronic devices and components thereof by reason of infringement of one or more of claims 9–13, 16, and 17 of the '031 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:  
PopSockets LLC., 3033 Sterling Circle, Boulder, CO 80301.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Agomax Group Ltd., Room 1015, Beverley Commercial Centre, 87–105 Chatham Road, Tsimshatsui, Kowloon, Hong Kong.  
Guangzhou Xi Xun Electronics Co., Ltd., A3045 Floor 3, Lingnan Building, No. 25, Xiji Road, Liwan District, Guangzhou, Guangdong, 510620, China.

Shenzhen Chuanghui Industry Co., Ltd., B19, Lushan Building, Luohu District, Shenzhen, Guangdong, China.

Shenzhen VVI Electronic Limited, 10D, Building A, ShengnaWei Area, Xixiang, Baoan, Shenzhen, Guangdong, China.

Shenzhen Yright Technology Co., Ltd., 515, XingdahuaFu Building, Xixiang Street, Baoan District, Shenzhen, Guangdong, China.

Hangzhou Hangkai Technology Co., Ltd., Room 303, Block 3, Cloud Cube, #10, Liansheng Road, Wuchang Avenue, Yuhang, District, Hangzhou City, Zhejiang Province, China.

Shenzhen Kinsen Technology Co., Limited, 1603, 16/F, MetroCity, Buji Street, Longgang Dist., Shenzhen, Guangdong, 518000, China.

Shenzhen Enruize Technology Co., Ltd., Room 220, 2/F Zhonglian Mansion, 402, Building, Languang Road, Futian District, Shenzhen, China.

Shenzhen Showerstar Industrial Co., Ltd., Rm 302, XueFeng Industrial Building, No., 1021 of XueGang South Rd, LongGang, Shenzhen, Guangdong, 518033, China.

Shenzhen Lamye Technology Co., Ltd., Room 407A–C YangNan Building, ChuangYe Road 2, Baoan District, Shenzhen, Guangdong, 518101, China.

Jiangmen Besnovo Electronics Co., Ltd., No. 18 Plant, Songyuanju, Dubi Village, Duruan Town, Pengjiang District, Jiangmen, Guangdong, China.

Shenzhen Belking Electronic Co., Ltd., 8017A, 8/F, Bldg. 4, Seg Science And Technology Industrial Park, Huaqiang North Road, Futian District, Shenzhen, Guangdong, China.

Yiwu Wentou Import & Export Co., Ltd., Floor 8, Northside, No. 201–209, Chengbei Rd., Choucheng Street, Yiwu, Jinhua, Zhejiang, China.

Shenzhen CEX Electronic Co., Limited Baoan District, Minzhi Road, Bahishilong, First Area, Building 104, 1702, Shenzhen, Guangdong, 518000, China.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 10, 2017.

**Katherine M. Hiner,**

*Supervisory Attorney.*

[FR Doc. 2017–09774 Filed 5–12–17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117–0007]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Registrant Record of Controlled Substances Destroyed DEA Form 41

**AGENCY:** Drug Enforcement Administration, Department of Justice  
**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

## Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Registrant Record of Controlled Substances Destroyed.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 41. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* Not-for-profit institutions; Federal, State, local, and tribal governments.

*Abstract:* In accordance with the Controlled Substance Act (CSA), every DEA registrant must make a biennial inventory and maintain, on a current basis, a complete and accurate record of each controlled substance manufactured, received, sold, delivered, or otherwise disposed of. 21 U.S.C. 827 and 958. These records must be maintained separately from all other records of the registrant or, alternatively, in the case of non-narcotic controlled substances, be in such form that required information is readily retrievable from the ordinary business records of the registrant. 21 U.S.C. 827(b)(2). The records must be kept and be available for at least two years for

inspection and copying by officers or employees of the United States authorized by the Attorney General. 21 U.S.C. 827(b)(3). The records must be in accordance with and contain such relevant information as may be required by regulations promulgated by DEA. 21 U.S.C. 827(b)(1). These record requirements help to deter and detect diversion of controlled substances and ensure that registrants remain accountable for all controlled substances within their possession and/or control.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual respondents	Number of annual responses	Average time per response (minutes)	Total annual hours
DEA Form 41 .....	92,924	92,924	30	46,462
Total .....	92,924	92,924	.....	46,462

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 46,462 annual burden hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 10, 2017.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2017-09767 Filed 5-12-17; 8:45 am]

**BILLING CODE 4410-0999-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117-0001]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Report of Theft or Loss of Controlled Substance; DEA Form 106

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Drug Enforcement

Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

## Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Report of Theft or Loss of Controlled Substance.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 106. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* None.

**Abstract:** In accordance with current 21 CFR 1301.74, a DEA registrant must notify the Field Division Office of the Administration in writing, of any theft or significant loss of any controlled substance within one business day of discovery of the theft or loss, and must complete and send to the DEA a DEA Form 106 upon determination of a theft or significant loss. The DEA Form 106 is designed to provide a uniform method of reporting and recording thefts and losses of controlled substances as required by 21 U.S.C. 827, 21 CFR 1301.74(c) and 1301.76(b). The form is entitled "Report of Theft or Loss of Controlled Substances" and it is used by the DEA to help determine the quantities and types of controlled substances that are stolen or lost. It may also serve as a record of the theft or loss for the registrant.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

*Estimated Total Number of Respondents:* 11,363.

*Total Annual Responses:* 30,563.

*Average Burden per Collection:* 0.3333 hour.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 10,188 annual burden hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 10, 2017.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2017-09768 Filed 5-12-17; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1117-0046]

### Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection: Self-Certification, Training, and Logbooks for Regulated Sellers and Mail-Order Distributors of Scheduled Listed Chemical Products; DEA Form 597

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** 60-day notice.

**SUMMARY:** The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until July 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Self-Certification, Training, and Logbooks for Regulated Sellers and Mail-Order Distributors of Scheduled Listed Chemical Products.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form: 597. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* None.

**Abstract:** The Combat Methamphetamine Epidemic Act of 2005 (CMEA) and Combat Methamphetamine Enhancement Act of 2010 (MEA) mandates that retail sellers of scheduled listed chemical products maintain a written or electronic logbook of sales, retain a record of employee training, and complete a self-certification form verifying the training and compliance with CMEA and MEA provisions regarding retail sales of scheduled listed chemical products.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Activity	Number of annual respondents	Number of annual responses	Average time per response (minutes)	Total annual hours
Training record .....	53,860	367,780	3	18,389
Self-certification .....		53,860	15	13,465
Transaction record (regulated seller) .....		24,297,303	1	404,955
Transaction record (customer) .....	24,297,303*	24,297,303	1	404,955



Activity	Number of annual respondents	Number of annual responses	Average time per response (minutes)	Total annual hours
Total .....	24,351,163	49,016,246	.....	841,764

\* Assuming one unit of scheduled listed product per respondent.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 841,764 annual burden hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 10, 2017.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2017-09766 Filed 5-12-17; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

[1122-NEW]

### Office on Violence Against Women; Agency Information Collection Activities: New Collection

**ACTION:** 60-Day notice of information collection under review: Certification of Compliance with the statutory eligibility requirements of the Violence Against Women Act as amended and the Prison Rape Elimination Act for Applicants to the STOP (Services\* Training\* Officers\* Prosecutors) Violence Against Women Formula Grant Program.

The Department of Justice, Office on Violence Against Women (OVW) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for 60 days until July 14, 2017. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov) or fax them to 202-395-7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions

concerning the collection, please contact Cathy Poston, Office on Violence Against Women, at 202-514-5430 or the DOJ Desk Officer at 202-395-3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended and the Prison Rape Elimination Act for Applicants to the STOP Formula Grant Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122-XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: The affected public includes STOP formula grantees (50 states, the District of Columbia and five territories (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands). The STOP Violence Against Women Formula Grant

Program was authorized through the Violence Against Women Act of 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and the Violence Against Women Act of 2013. The purpose of the STOP Formula Grant Program is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Department of Justice's Office on Violence Against Women (OVW) administers the STOP Formula Grant Program funds which must be distributed by STOP state administrators according to statutory. As a result of VAWA 2013 and the penalty provision of the Prison Rape Elimination Act (PREA), States are required to certify compliance with PREA. If States cannot certify compliance, they have the option of forfeiting five percent of covered funds or executing an assurance that five percent of covered funds will be used towards coming into compliance with PREA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 56 respondents (state administrators from the STOP Formula Grant Program) 10 minutes to complete a Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act, as amended and the Prison Rape Elimination Act.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the Certification is less than 10 hours.

*If additional information is required contact:* Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.



Dated: May 10, 2017.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S.  
Department of Justice.*

[FR Doc. 2017-09755 Filed 5-12-17; 8:45 am]

**BILLING CODE 4410-FX-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Agency Information Collection Activities; Announcement of OMB Approvals

**AGENCY:** Employee Benefits Security  
Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Employee Benefits Security Administration (EBSA) announces that the Office of Management and Budget (OMB) has approved certain collections of information, listed in the **SUPPLEMENTARY INFORMATION** below, following EBSA's submission of requests for such approvals under the Paperwork Reduction Act of 1995. This notice describes the information collections that have been approved or re-approved, their OMB control numbers, and their current expiration dates.

**FOR FURTHER INFORMATION CONTACT:** G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-5718, Washington, DC 20210. Telephone: (202) 693-8410; Fax: (202) 219-4745. These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The PRA and its implementing regulations require Federal agencies to display OMB control numbers and inform respondents of their legal significance after OMB has approved an agency's information collections. In accordance with those requirements, EBSA hereby notifies the public that the following information collections have been re-approved by OMB following EBSA's submission of an information collection request (ICR) for extension of a prior approval:

- OMB Control No. 1210-0039, Summary Plan Description Requirements under the Employee Retirement Income Security Act of 1974, as amended. The expiration date for this information collection is August 31, 2019.
- OMB Control No. 1210-0040, Employee Retirement Income Security

Act Summary Annual Report Requirement. The expiration date for this information collection is April 30, 2019.

- OMB Control No. 1210-0049, Prohibited Transaction Class Exemption for Certain Transactions Between Investment Companies and Employee Benefit Plans (PTE 1977-4). The expiration date for this information collection is December 31, 2019.

- OMB Control No. 1210-0053, Employee Benefit Plan Claims Procedure Under the Employee Retirement Income Security Act. The expiration date for this information collection is November 30, 2019.

- OMB Control No. 1210-0058, Prohibited Transaction Class Exemptions for Multiple Employer Plans and Multiple Employer Apprenticeship Plans—PTE 1976-1, PTE 1977-10, PTE 1978-6. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0064, Sale of Securities To Reduce Indebtedness of Party In Interest—Prohibited Transaction Class Exemption 1980-83. The expiration date for this information collection is November 30, 2019.

- OMB Control No. 1210-0065, Securities Lending by Employee Benefit Plans, Prohibited Transaction Exemption 2006-16. The expiration date for this information collection is August 31, 2019.

- OMB Control No. 1210-0082, Bank Collective Investment Funds, Prohibited Transaction Class Exemption 1991-38. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0085, Foreign Currency Transactions, Prohibited Transaction Class Exemption 1994-20. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0090, Disclosures for Participant Directed Individual Account Plans. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0095, Prohibited Transaction Class Exemption 1988-59, Residential Mortgage Financing Arrangements Involving Employee Benefit Plans. The expiration date for this information collection is August 31, 2019.

- OMB Control No. 1210-0100, Definition of Plan Assets-Participant Contributions. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0101, Notice of Special Enrollment Rights under Group Health Plans. The

expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0104, Collective Investment Funds Conversion Transactions, Prohibited Transaction Class Exemption 1997-41. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0113, National Medical Support Notice-Part B. The expiration date for this information collection is August 31, 2019.

- OMB Control No. 1210-0116, Annual Report for Multiple Employer Welfare Arrangements. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0119, Petition for Finding under Employee Retirement Income Security Act Section 3(40). The expiration date for this information collection is November 30, 2019.

- OMB Control No. 1210-0123, Notice Requirements of the Health Care Continuation Coverage Provisions. The expiration date for this information collection is December 31, 2019.

- OMB Control No. 1210-0125, Employee Retirement Income Security Act of 1974 Investment Manager Electronic Registration. The expiration date for this information collection is August 31, 2019.

- OMB Control No. 1210-0128, Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers under Prohibited Transaction Exemption 1984-14. The expiration date for this information collection is December 31, 2019.

- OMB Control No. 1210-0130, Statutory Exemption for Cross-Trading of Securities. The expiration date for this information collection is November 30, 2019.

- OMB Control No. 1210-0131, Access to Multiemployer Plan Information. The expiration date for this information collection is August 31, 2019.

- OMB Control No. 1210-0136, Genetic Information Nondiscrimination Act of 2008 Research Exception Notice. The expiration date for this information collection is February 28, 2019.

- OMB Control No. 1210-0137, Model Employer Children's Health Insurance Program Notice. The expiration date for this information collection is December 31, 2019.

- OMB Control No. 1210-0145, Plan Asset Transactions Determined by In-House Asset Managers under Prohibited Transaction Class Exemption 96-23. The expiration date for this information collection is November 30, 2019.

- OMB Control No. 1210-0148, Multiple Employer Welfare

Arrangement Administrative Law Judge Administrative Hearing Procedures. The expiration date for this information collection is June 30, 2019.

EBSA hereby notifies the public that the following information collections have been approved by OMB following EBSA's submission of an information collection request (ICR) for a revision of a currently approved collection:

- OMB Control No. 1210-0059, Employee Retirement Income Security Act Prohibited Transaction Exemption 1986-128 For Securities Transactions Involving Employee Benefit Plans and Broker-Dealers. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0092, Prohibited Transaction Class Exemption 75-1, Security Transactions with Broker-Dealers, Reporting Dealers, and Banks. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0140, Affordable Care Act Grandfathered Health Plan Disclosure, Recordkeeping Requirement, and Change in Carrier Disclosure. The expiration date for this information collection is March 31, 2019.

- OMB Control No. 1210-0141, Affordable Care Act Advance Notice of Rescission. The expiration date for this information collection is March 31, 2019.

- OMB Control No. 1210-0142, Patient Protection and Affordable Care Act Patient Protection Notice. The expiration date for this information collection is March 31, 2019.

- OMB Control No. 1210-144, Affordable Care Act Internal Claims and Appeals and External Review Procedures for Non-Grandfathered Plans. The expiration date for this information collection is March 31, 2019.

- OMB Control No. 1210-0147, Summary of Benefits and Coverage and Uniform Glossary Required Under the Affordable Care Act. The expiration date for this information collection is April 30, 2019.

EBSA hereby notifies the public that the following new information collections have been approved by OMB following EBSA's submission of an information collection request (ICR):

- OMB Control No. 1210-0155, Conflicted Investment Advice Rule Fiduciary Exception Disclosure Requirements. The expiration date for this information collection is May 31, 2019.

- OMB Control No. 1210-0156, Best Interest Contract Prohibited Transaction

Exemption. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0157, Prohibited Transaction Class Exemption for Principal Transactions. The expiration date for this information collection is June 30, 2019.

- OMB Control No. 1210-0158, PTE 84-24 (Insurance and Annuity Contracts and Mutual Fund Principal Underwriters). The expiration date for this information collection is June 30, 2019.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Publication of this notice satisfies this requirement with respect to the above-listed information collections, as provided in 5 CFR 1320.5(b)(2)(C).

Dated: February 3, 2017.

**Joseph S. Piacentini,**

*Director, Office of Policy and Research,  
Employee Benefits Security Administration.*

[FR Doc. 2017-09744 Filed 5-12-17; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Qualification/Certification Program Request for Mine Safety and Health Administration Individual Identification Number**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration sponsored information collection request (ICR) titled, "Qualification/Certification Program Request for Mine Safety and Health Administration Individual Identification Number," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before June 14, 2017.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201611-1219-003](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611-1219-003)

(this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION:** Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Qualification/Certification Program Request for Mine Safety and Health Administration (MSHA) Individual Identification Number (MIIN), Form MSHA-5000-46, information collection. The MSHA issues certifications, qualifications, and approvals (licenses) to the nation's miners to conduct specific work within mines. A miner requiring a license or benefit from the MSHA registers for a MIIN. This unique number is used as a personal identifier, in place of an individual's Social Security Number, for all MSHA licensing requirements. This process has allowed the MSHA to discontinue the past practice of an individual routinely supplying personally identifiable information to an instructor, State, or other entity that, in turn, supplies information to the MSHA to track an individual miner within a MSHA data processing system. Federal Mine Safety and Health Act sections 101(a) and 103(h) and Debt Collection Improvement Act of 1996 section 31001(i)(1) authorize this information collection. See 30 U.S.C. 811(a), 813(h); 31 U.S.C. 7701(c)(2)(B).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection

of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0143.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 27, 2016 (81 FR 95199).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0143. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-MSHA.

*Title of Collection:* Qualification/Certification Program Request for Mine

Safety and Health Administration Individual Identification Number.

*OMB Control Number:* 1219-0143.

*Affected Public:* Individuals or Households; Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 9,000.

*Total Estimated Number of Responses:* 9,000.

*Total Estimated Annual Time Burden:* 750 hours.

*Total Estimated Annual Other Costs Burden:* \$85.

Dated: May 8, 2017.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2017-09743 Filed 5-12-17; 8:45 am]

**BILLING CODE 4510-43-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Notice of Request for Comment on Government-Wide Reform

**AGENCY:** Office of Management and Budget (OMB), Executive Office of the President.

**ACTION:** Notice of request for comment on Government-wide Reform.

**SUMMARY:** The Executive Office of the President invites the public to suggest improvements to the organization and functioning of the Executive Branch. These suggestions will help inform the development of the proposed Government-wide Reform Plan, designed to create a leaner, more accountable, and more efficient government that works for the American people.

**DATES:** Comments are due by June 12, 2017.

**ADDRESSES:** Comments and suggestions on government reforms and improvements must be submitted electronically by June 12, 2017 to <https://www.whitehouse.gov/reorganizing-the-executive-branch>.

**SUPPLEMENTARY INFORMATION:** On March 13, 2017, the President signed Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch*, which established a public comment requirement for the formulation of a comprehensive plan for reorganizing the Executive Branch. On April 12, 2017, OMB issued Memorandum M-17-22, *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce*, to chart the course for a restrained, effective, and accountable government to better serve the American people. Pursuant to Executive Order 13781 and

Memorandum M-17-22, a White House Web site has been created to facilitate the collection of public comments to inform the development of the Government-wide Reform Plan. The American people are encouraged to provide their input on how the Federal government can best work for them.

**Mick Mulvaney,**

*OMB Director.*

[FR Doc. 2017-09702 Filed 5-12-17; 8:45 am]

**BILLING CODE 3110-01-P**

## NATIONAL CAPITAL PLANNING COMMISSION

### Public Comment on Draft, Updated Submission Guidelines

#### Correction

Notice document 2017-09479, appearing on pages 21830 through 21831 in the issue of Wednesday, May 10, 2017, was never placed on public inspection and was published in error. It should be removed.

[FR Doc. C1-2017-09479 Filed 5-12-17; 8:45 am]

**BILLING CODE 1301-00-D**

## NUCLEAR REGULATORY COMMISSION

[NRC-2017-0001]

### Sunshine Act Meeting

**DATE:** Weeks of May 15, 22, 29, June 5, 12, 19, 2017.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### Week of May 15, 2017

There are no meetings scheduled for the week of May 15, 2017.

#### Week of May 22, 2017—Tentative

There are no meetings scheduled for the week of May 22, 2017.

#### Week of May 29, 2017—Tentative

There are no meetings scheduled for the week of May 29, 2017.

#### Week of June 5, 2017—Tentative

There are no meetings scheduled for the week of June 5, 2017.

**Week of June 12, 2017—Tentative**

*Tuesday, June 13, 2017*

10:00 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting); (Contact: Tanya Parwani-Jaimes: 301-287-0730)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

*Thursday, June 15, 2017*

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting); (Contact: Andrew Waugh: 301-415-5601)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of June 19, 2017—Tentative**

There are no meetings scheduled for the week of June 19, 2017.

\* \* \* \* \*

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0681 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov).

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email [Brenda.Akstulewicz@nrc.gov](mailto:Brenda.Akstulewicz@nrc.gov) or [Patricia.Jimenez@nrc.gov](mailto:Patricia.Jimenez@nrc.gov).

Dated: May 11, 2017.

**Denise L. McGovern**,  
Policy Coordinator, Office of the Secretary.  
[FR Doc. 2017-09905 Filed 5-11-17; 4:15 pm]

**BILLING CODE 7590-01-P**

**PEACE CORPS****Information Collection Request; Submission for OMB Review**

**AGENCY:** Peace Corps.

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

**DATES:** Submit comments on or before June 14, 2017.

**ADDRESSES:** Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202-692-1236 or email at [pcf@peacecorps.gov](mailto:pcf@peacecorps.gov). Email comments must be made in text and not in attachments.

**FOR FURTHER INFORMATION CONTACT:** Denora Miller at Peace Corps address above.

**SUPPLEMENTARY INFORMATION:**

*Title:* Global Health Service Professional Reference form.  
*OMB Control Number:* 0420-xxxx.  
*Type of Request:* New.  
*Affected Public:* Individuals.  
*Respondents Obligation to Reply:* Voluntary.  
*Respondents:* General Public.

**Burden to the Public**

Estimated burden (hours) of the collection of information:

- Number of interviewed applicants:* 120.
- Number of references required per interviewed applicant:* \*2.
- Estimated number of reference forms received:* 240.
- Frequency of response:* One time.
- Completion time:* 10 minutes.
- Annual burden hours:* 40.

\* Reference information is collected only if an applicant is contacted for an interview. The estimated number of applicants interviewed is 120 based on the first three years of the GHSP program.

*General Description of Collection:* Peace Corps Response uses the staff, personal and professional reference forms to learn from someone who knows the applicant and his or her background whether the applicant possesses the necessary characteristics and skills to serve as a Global Health Service Partnership Volunteer.

*Request for Comment:* Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC on May 8, 2017.

**Denora Miller**,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017-09691 Filed 5-12-17; 8:45 am]

**BILLING CODE 6051-01-P**

**PEACE CORPS****Information Collection Request; Submission for OMB Review**

**AGENCY:** Peace Corps.

**ACTION:** 30-day notice and request for comments.

**SUMMARY:** The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 30 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

**DATES:** Submit comments on or before June 14, 2017.

**ADDRESSES:** Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202-692-1236 or email at [pcf@peacecorps.gov](mailto:pcf@peacecorps.gov). Email comments must be made in text and not in attachments.

**FOR FURTHER INFORMATION CONTACT:** Denora Miller at Peace Corps address above.

**SUPPLEMENTARY INFORMATION:**

*Title:* Volunteer Recruitment and Selection Confidential Reference Form.  
*OMB Control Number:* 0420-0006.  
*Type of Request:* Revision.  
*Affected Public:* Individuals.  
*Respondents Obligation to Reply:* Voluntary.  
*Respondents:* Individuals.

**Burden to the Public**

Estimated burden (hours) of the collection of information:

- a. *Number of respondents*: 18,000.
- b. *Frequency of response*: one time.
- c. *Completion time*: 10 minutes.
- d. *Annual burden hours*: 3000 hours.

*General Description of Collection*: The reference form is a tool that the Peace Corps employs to ensure a standardized suitability review of applicants. The Assessment and Placement Officer requests the completion of the reference form and uses the information therein to assist in determining the suitability and competitiveness of the applicant.

*Request for Comment*: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC on May 8, 2017.

**Denora Miller,**

*FOIA/Privacy Act Officer, Management.*

[FR Doc. 2017-09690 Filed 5-12-17; 8:45 am]

**BILLING CODE 6051-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[SEC File No. 270-564, OMB Control No. 3235-0628]

**Proposed Collection; Comment Request**

*Upon Written Request, Copies Available From*: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-0213.

*Extension*:

Rule 17g-2.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 17g-2 (17 CFR 240.17g-2) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this

existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 17g-2, "Records to be made and retained by nationally recognized statistical rating organizations," implements the Commission's recordkeeping rulemaking authority under Section 17(a) of the Exchange Act.<sup>1</sup> The rule requires a Nationally Recognized Statistical Rating Organization ("NRSRO") to make and retain certain records relating to its business and to retain certain other business records, if such records are made. The rule also prescribes the time periods and manner in which all these records must be retained. There are 10 credit rating agencies registered with the Commission as NRSROs under section 15E of the Exchange Act, which have already established the record keeping policies and procedures required by Rule 17g-2. Based on staff experience, NRSROs are estimated to spend a total industry-wide burden of 2,390 annual hours to make and retain the appropriate records. Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

*Please direct your written comments to*: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE., Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

<sup>1</sup> 15 U.S.C. 78q.

Dated: May 10, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09728 Filed 5-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80631; File No. SR-ICEEU-2017-006]

**Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Proposed Rule Change, Security-Based Swap Submission or Advance Notice Relating to the CDS End-of-Day Price Discovery Policy**

May 9, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 26, 2017, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice**

The principal purpose of the changes is to modify certain aspects of ICE Clear Europe's CDS End-of-Day Price Discovery Policy (the "EOD Price Discovery Policy") and Price Submission Disciplinary Framework.

**II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice**

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

*(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice*

1. Purpose

The purpose of the rule change is to amend the EOD Price Discovery Policy to change the calculation of firm trade notional limits for single-name CDS contracts. ICE Clear Europe also proposes to make certain amendments to its Price Submission Disciplinary Framework (the "Disciplinary Framework"), which addresses missed price submissions by CDS Clearing Members for CDS contracts ("Missed Submissions"). The proposed revisions are described in detail herein. ICE Clear Europe does not otherwise propose to change its Clearing Rules<sup>3</sup> or Procedures in connection with these amendments.

Under the EOD Price Discovery Policy, CDS Clearing Members are required to submit end-of-day prices for specific instruments relating to their open CDS interest at the Clearing House. ICE Clear Europe determines end-of-day settlement price levels from these price submissions, using its settlement price methodology. (ICE Clear Europe is not proposing to change the settlement price methodology in connection with these amendments.) To encourage CDS Clearing Members to submit high-quality price submissions, ICE Clear Europe, on random days, selects a subset of instruments to be eligible for required firm trades in cleared CDS contracts between CDS Clearing Members ("Firm Trades"). ICE Clear Europe currently utilizes a "cross and lock" algorithm for identifying Firm Trades. CDS Clearing Member pairs identified by the algorithm as crossed or locked markets in these instruments, based on their price submissions, may be required to enter into Firm Trades with each other.

ICE Clear Europe currently establishes pre-defined maximum notional amounts for Firm Trades in single-name CDS contracts. Currently, single-name Firm Trade notional limits are set at the CDS Clearing Member level. The notional limits are intended to limit the risk (on an overnight basis) that a given CDS Clearing Member may face as a result of a Firm Trade, including in situations where submission errors or outlying pricing submissions have led to a Firm Trade.

ICE Clear Europe is proposing to modify the EOD Price Discovery Policy

to provide that single-name Firm Trade notional limits will instead apply on a group level to affiliated CDS Clearing Members, rather than at an individual CDS Clearing Member level. Under the current approach, an affiliate group may have multiple clearing memberships, which in turn leads to a group-wide limit that can be multiples of the single entity limit. Affiliated groups may use this approach, for example, where different clearing entities are needed for house or customer transactions originating from different jurisdictions. The result can be that an affiliated group with multiple CDS Clearing Members may be subject to significantly higher risk of Firm Trades, based on the aggregate notional, than it would if it cleared all of the same business through a single legal entity. In addition, over time, ICE Clear Europe has broadened the process for determining Firm Trades to include all submissions, including those classified as outlying pricing submission (or "obvious errors"), which has made Clearing Members eligible to receive Firm Trades on a potentially wider range of submissions. As a result, there is heightened interest in adjusting the Firm Trade allocation process so that CDS Clearing Members are not overly penalized for Firm Trades in terms of group-wide risk exposure.

Under the proposed changes, Firm Trade notional limits for single-name CDS will be implemented at the "CP affiliate group" level. A CP affiliate group consists of all CDS Clearing Members that own, are owned or are under common ownership with other CDS Clearing Members. In determining Firm Trades, ICE Clear Europe will track the notional amounts of potential Firm Trades assigned to each CDS Clearing Member at the risk sub-factor and sector level. If the cumulative risk sub-factor notional for the CP affiliate group exceeds the notional limit for that sub-factor, ICE Clear Europe will not designate further Firm Trades in that risk sub-factor for any CDS Clearing Member in the CP affiliate group. Cumulative sector notional limits will be applied similarly to CP affiliate groups. As under the current approach, the notional amount of reversing transactions will not count toward CP affiliate group notional limits.

Certain other changes have been made to the EOD Price Discovery Policy to update references to the Clearing House's clearing risk department and head of clearing risk, and certain other risk personnel. The amendments add certain background standards relating to risk appetite and related metrics and limits, reflecting the overall approach of the Clearing House to such matters. The

policy is also being revised to specify additional procedures relating to model validation and policy review, consistent with overall Clearing House risk governance policies. Specifically, relevant underlying models (within the definition thereof established by ICE Clear Europe) used to support the EOD Price Discovery Policy will be subject to an annual independent validation. The EOD Price Discovery Policy itself is to be reviewed by the CDS Risk Committee at least annually. In addition, material changes must be approved by the Board on the advice of the CDS Risk Committee and Board Risk Committee prior to implementation. The policy specifies certain metrics to be tracked by the clearing risk department and risk oversight department, and sets out escalation and notification protocols for those metrics, as well as for any deviations from the policy.

ICE Clear Europe is also proposing to amend the Price Submission Disciplinary Framework, specifically with regard to the procedures for imposing fines, known as fixed cash assessments, for Missed Submissions. The amendments formalize certain procedures around notices and preliminary determinations with respect to Missed Submissions, consistent with the procedures for disciplinary proceedings under Part 10 of the Rules. Consistent with the current framework, at the end of each calendar month, ICE Clear Europe will collect the details of alleged Missed Submission(s). The Clearing House will issue a Notice of Investigation under Rule 1002 to the relevant CDS Clearing Member with alleged Missed Submission(s). Within five days after the Notice of Investigation, and following an investigation, ICE Clear Europe will issue a Letter of Mindedness under Rule 1002 setting out its preliminary factual conclusions and intended course of action (which would be imposition of a fixed cash assessment). The CDS Clearing Member will have ten days from the date of the Letter of Mindedness to note any factual errors or objections. Following such ten day period, the Clearing House would finalize its findings and course of action. ICE Clear Europe does not propose to change the levels of cash assessments for Missed Submissions that are determined to have occurred under the revised policy.

During an investigation into a Missed Submission, if a CDS Clearing Member is able to demonstrate that the alleged Missed Submission(s) are the first instance(s) of a Missed Submission for a particular instrument, provide an adequate explanation for the Missed

<sup>3</sup> Capitalized terms used but not defined herein will have the meanings specified in the ICE Clear Europe Clearing Rules (the "Rules").

Submission, and a remedial plan of action to prevent future Missed Submissions, ICE Clear Europe may take no further action, provided that another Missed Submission for the same type of instrument does not occur within ninety days of the first Missed Submission. If a second Missed Submission were to occur in that period, the CDS Clearing Member will be subject to a cash assessment for both the initial and subsequent Missed Submissions.

In addition, consistent with the current framework, if a CDS Clearing Member is able to demonstrate that an alleged Missed Submission was due to extraordinary circumstances outside of the CDS Clearing Member's control (such as a market-wide disruption), the head of clearing compliance has the ability to determine that a CDS Clearing Member should not be subject to a cash assessment. Neither of these two exceptions will preclude ICE Clear Europe from undertaking disciplinary action against a CDS Clearing Member who persistently fails to submit end-of-day prices or submits prices treated as obvious errors by the end of day pricing algorithm.

## 2. Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act<sup>4</sup> and the regulations thereunder applicable to it. Section 17A(b)(3)(F) of the Act<sup>5</sup> in particular requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency, and the protection of investors and the public interest. The proposed amendments are designed to enhance the Clearing House's EOD Price Discovery Policy, which is a key aspect of the risk management and daily settlement procedures of the Clearing House. In ICE Clear Europe's view, the changes will maintain the strong incentive of Clearing Members to provide accurate end-of-day price submissions, while appropriately treating affiliated CDS Clearing Members as a group for purposes of the notional limit. In the Clearing House's experience, setting notional limits on a CP affiliate group basis is consistent with CDS Clearing Member price submission practices, where end-of-day submissions from multiple affiliated

entities often are made by the same personnel or desk and reflect the overall affiliate group's view on the value of the relevant instrument. The amendments will avoid unfairly penalizing affiliated Clearing Members with Firm Trades, and limit the potential overnight risk that a CP affiliate group may face as a result of the Firm Trade process. The ICE Clear Europe believes the amendments will not adversely affect the integrity of the settlement price determination process, as all CDS Clearing Members will continue to be subject to potential Firm Trades for any given price submission, on a randomized basis. As a result ICE Clear Europe does not believe the amendments will change price submission behavior or materially limit the effectiveness of the Firm Trade process as an incentive to robust price submissions. Furthermore, ICE Clear Europe believes that the enhancements to the Disciplinary Framework will reinforce the price submission process, by clarifying the procedures for implementing fines and cash assessments for Missed Submissions. As a result, in ICE Clear Europe's view, the amendments are consistent with, and will promote, the prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts and transactions, within the meaning of Section 17A(b)(3)(F) of the Act.<sup>6</sup>

ICE Clear Europe also believes that the amendments will not permit unfair discrimination among participants in the use of the Clearing House, within the meaning of Section 17A(b)(3)(F). In particular, the amendments are designed to treat affiliated groups of CDS Clearing Members fairly, such that they are not subject to excessive overnight risk as a result of the Firm Trade submission process, as potentially applied to multiple CDS Clearing Member entities within the group. The approach thus is designed to prevent the Firm Trade process from disadvantaging those CP affiliate groups that have chosen to conduct their clearing business through multiple CDS Clearing Members, as opposed to a single clearing entity. This is particularly appropriate where a single or consolidated trading desk is submitting end-of-day prices for the entire CP affiliate group.

For similar reasons, ICE Clear Europe believes that the amendments are consistent with the requirements of Section 17A(b)(3)(D)<sup>7</sup> of the Act, which requires that the rules of a clearing

agency provide for the equitable allocation of reasonable fees, dues and other charges among its participants. As discussed above, the amendments are intended to equitably allocate the risk and potential cost of Firm Trades across the members of a CP affiliate group, to avoid unfairly disadvantaging each CDS Clearing Member in that group. The amendments mitigate the potential overnight risk exposure of an entire affiliate group from Firm Trades, to the same level that would apply if the group cleared all of its trades through a single CDS Clearing Member entity. At the same time, all such CDS Clearing Members remain potentially subject to Firm Trades for any given submission, on a randomized basis. Thus, if only one CDS Clearing Member within a CP affiliate group submits an off-market submission resulting in a Firm Trade for that entity only, the full notional limit would potentially be applicable to it. In ICE Clear Europe's view, this revised approach provides for the equitable allocation of reasonable dues, fees and charges among participants, within the meaning of Section 17A(b)(3)(D) of the Act.<sup>8</sup>

In addition, in ICE Clear Europe's view, the amended Disciplinary Framework, like the current framework, provides an appropriately tailored set of cash assessments for Missed Submissions by Clearing Members, in light of the importance of end-of-day price submissions to the Clearing House risk management and settlement procedures. The framework is thus consistent with the requirements of Section 17A(b)(3)(G) of the Act.<sup>9</sup> The amendments also enhance the procedures for investigating and notifying Clearing Members of potential Missed Submissions and related assessments, and for Clearing Members to dispute and/or seek a waiver of such assessments in particular circumstances. In ICE Clear Europe's view, this aspect of the amended framework is consistent with the requirements of Section 17A(b)(3)(H) of the Act.<sup>10</sup>

## (B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The enhancements to ICE Clear Europe's price discovery process apply uniformly to all CDS Clearing Members. As discussed above,

<sup>4</sup> 15 U.S.C. 78q-1.

<sup>5</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>6</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>7</sup> 15 U.S.C. 78q-1(b)(3)(D).

<sup>8</sup> 15 U.S.C. 78q-1(b)(3)(D).

<sup>9</sup> 15 U.S.C. 78q-1(b)(3)(G).

<sup>10</sup> 15 U.S.C. 78q-1(b)(3)(H).



the amendments are designed to avoid unfairly burdening affiliate groups that have elected to clear through more than one affiliated CDS Clearing Member, by setting the relevant Firm Trade notional limit at the CP affiliate group level. In ICE Clear Europe's view, the revised approach appropriately incentivizes CDS Clearing Member participation in the end-of-day price submission process, while balancing the risks of the Firm Trade process fairly across different CDS Clearing Members. The amendments to the Disciplinary Framework will also apply to all CDS Clearing Members, and establish new procedures for determinations that a Clearing Member is subject to a cash assessment as a result of a Missed Submission. ICE Clear Europe does not believe that the adoption of the amendments will adversely affect competition among Clearing Members, or the ability of market participants to clear contracts generally. The Clearing House also does not believe that the amendments will reduce access to clearing CDS contracts or limit market participants' choices for clearing CDS.

The amended policies, like the current policies, may result in certain costs for Clearing Members that are required to enter into Firm Trades as a result of obvious errors in their submissions or otherwise, or are subject to cash assessments as a result of Missed Submissions. ICE Clear Europe believes that these costs are warranted to enhance the integrity of the price submission process, and are in any event generally within the control of the Clearing Member. As a result, ICE Clear Europe does not believe the proposed amendments impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

*(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

**III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission and Advance Notice and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which

the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ICEEU-2017-006 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-ICEEU-2017-006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at <https://>

[www.theice.com/clear-europe/regulation#rule-filings](http://www.theice.com/clear-europe/regulation#rule-filings).

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ICEEU-2017-006 and should be submitted on or before June 5, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09714 Filed 5-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-80632; File No. SR-NYSEArca-2017-50]

**Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services**

May 9, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on April 28, 2017, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services ("Fee Schedule"). The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>11</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.



## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of this filing is to amend the Quoting and Depth Standard under the recently adopted Exchange Traded Fund Liquidity Provider Program ("ELP Program").<sup>4</sup> The Exchange proposes to implement the proposed fee change effective May 1, 2017.

Pursuant to the ELP Program Filing, the Exchange currently provides an incremental credit of \$0.0001 per share to ETP Holders and Market Makers (collectively, "ELPs") for providing displayed liquidity that result in an execution to ELPs that meet prescribed quoting standards in NYSE-Arca listed Tape B securities that have a consolidated average daily volume ("CADV") in the previous month of less than 250,000 shares ("ELP Securities"). Pursuant to the ELP Program Filing, beginning March 2017 and through April 2017, an ELP that quotes at the National Best Bid or Offer ("NBBO") for at least an average of 15% of the time for the billing month in at least 50 ELP Securities for each billing month ("Quoting Standard")<sup>5</sup> is paid the stated incremental credit in their Tape B executions that add liquidity.

In the ELP Program Filing, the Exchange proposed that beginning May 1, 2017, in order for an ELP to qualify

for the incremental credit, the ELP must, in at least 50 ELP Securities:

- Quote at the NBBO for at least an average of 15% of the time for the billing month, and,
- Display at least 2,500 shares that are priced no more than 2% away from the NBBO at least 90% of the time for the billing month ("Quoting and Depth Standard").

The Exchange proposes to require the Quoting and Depth Standard to begin June 1, 2017 instead of on May 1, 2017. As a result, the Quoting Standard that was implemented for March 2017 and April 2017 will be extended through May 2017. Thus, until June 1, 2017, ELPs will continue to qualify for the incremental credit by meeting just the Quoting Standard. Beginning June 1, 2017, as noted above, ELPs will be required to meet the Quoting and Depth Standard to qualify for the incremental credit. The Exchange is not proposing any other change to the ELP Program.

The ELP Program is intended to provide incentives for increased trading in ELP Securities for market participants. The Exchange believes the proposed rule change will strengthen market quality in ELP Securities. The ELP Program is also intended to reward liquidity providers who improve displayed liquidity and the size of such liquidity in the market. The Exchange believes that the ELP Program will encourage the additional utilization of, and interaction with, the Exchange and provide customers with the premier venue for price discovery, liquidity, competitive quotes and price improvement.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed changes.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>6</sup> in general, and further the objectives of Sections 6(b)(4) and (5) of the Act,<sup>7</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed rule change would continue to encourage increased participation by ELPs in the trading of ETP Securities. In

particular, the Exchange believes that extending the implementation date for the Quoting and Depth Standard from May 1, 2017 to June 1, 2017 would provide ELPs with additional time to implement the requirements associated with the ELP credit while encouraging ELPs to participate in the ELP Program. The Exchange also believes that extending the Quoting Standard through May 2017 would continue to encourage the submission of additional liquidity by ETP Holders to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for all market participants on the Exchange.

The Exchange believes the ELP Program will continue to provide an incentive for ELPs to quote and trade a greater number of securities on the Exchange and will generally allow the Exchange and ELPs to better compete for order flow and thus enhance competition. Further, the ELP program is intended to provide ELPs with an incentive to increase displayed quoting on NYSE Arca and thereby provide liquidity and better quoting that supports the quality of price discovery and promotes market transparency. The Exchange also believes that the proposed incremental credit for ELPs that meet the requirements of the ELP Program is equitable and not unfairly discriminatory because it would apply uniformly to all ELPs.

As proposed, the ELP Program is designed to enhance the Exchange's competitiveness as a listing venue and to strengthen its market quality for NYSE Arca-listed securities.

The Exchange believes that adopting the Quoting and Depth Standard beginning June 2017 instead of May 2017 is reasonable because the additional requirement has not yet been implemented by the Exchange so no ETP Holder is or would be adversely impacted. The Quoting and Depth Standard would ensure that liquidity displayed on the Exchange by ELPs is available for a greater period of time during the trading day to provide market participants an adequate opportunity to transact against such liquidity. The Exchange also believes that extending the Quoting Standard through May 2017 is reasonable in order for the Exchange to continue providing ELPs with the incremental credit associated with the ELP Program. The Exchange believes that adopting the Quoting and Depth Standard beginning June 2017 and extending the Quoting Standard through May 2017 is equitable and not unfairly discriminatory because the proposed changes would apply uniformly to all ELPs.

<sup>4</sup> See Securities Exchange Act Release No. 80258 (March 16, 2017), 82 FR 14775 (March 22, 2017) (SR-NYSEArca-2017-28) ("ELP Program Filing").

<sup>5</sup> An ELP would meet the Quoting Standard if the average of the percentage of time during regular trading hours during which the ELP maintains a quote at each of the NBB and NBO equals at least 15%. As an example, where the ELP maintains a quote for any number of shares at the NBB for 20% of the time during regular trading hours in at least 50 ELP Securities and maintains a quote for any number of shares at the NBO for 10% of the time during regular trading hours in the same ELP Securities, the ELP would be deemed to be at the NBBO for the required time period of 15% ((20% + 10%)/2).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(4) and (5).

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>8</sup> the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended to adopt the Quoting and Depth Standard in June 2017 rather than in May 2017, as was originally proposed in the ELP Program Filing, while extending the current Quoting Standard through May 2017.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>9</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>10</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2017-50 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange

Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2017-50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2017-50 and should be submitted on or before June 5, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2017-09715 Filed 5-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

### **SECURITIES AND EXCHANGE COMMISSION**

**[SEC File No. 270-520, OMB Control No. 3235-0577]**

### **Proposed Collection; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736

*Extension:*  
Rule 30b1-5

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 30b1-5 (17 CFR 270.30b1-5) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (the "Investment Company Act") requires registered management investment companies, other than small business investment companies registered on Form N-5 (17 CFR 239.24 and 274.5) ("funds"), to file a quarterly report via the Commission's EDGAR system on Form N-Q (17 CFR 249.332 and 274.130), not more than sixty calendar days after the close of each first and third fiscal quarter, containing their complete portfolio holdings. The purpose of the collection of information required by rule 30b1-5 is to meet the disclosure requirements of the Investment Company Act and to provide investors with information necessary to evaluate an interest in the fund by improving the transparency of information about the fund's portfolio holdings.

The Commission estimates that there are 2,380 management investment companies, with a total of approximately 11,757 portfolios, that are governed by the rule. For purposes of this analysis, the burden associated with the requirements of rule 30b1-5 has been included in the collection of information requirements of Form N-Q, rather than the rule.

The collection of information under rule 30b1-5 is mandatory. The information provided under rule 30b1-5 is not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

<sup>8</sup> 15 U.S.C. 78f(b)(8).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(12).

technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: May 9, 2017.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09729 Filed 5-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80634; File No. SR-FINRA-2017-009]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change Relating To Expediting List Selection in Arbitration

May 9, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 26, 2017, Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rules 12402 and 12403 of the Code of Arbitration Procedure for Customer Disputes (“Customer Code”) and FINRA Rule 13403 of the Code of Arbitration Procedure for Industry Disputes (“Industry Code,” and together with the Customer Code, the “Codes”), to provide that the Director of FINRA’s Office of Dispute Resolution (“ODR Director”) will send the list or lists generated by the Neutral List Selection System (“NLSS”)<sup>3</sup> to all parties at the

same time, within approximately 30 days after the last answer is due, regardless of the parties’ agreement to extend any answer due date.

The text of the proposed rule change is available on FINRA’s Web site at <http://www.finra.org>, at the principal office of FINRA and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

###### Background

Under the Codes, a party must serve an answer on each other party to an arbitration within the timeframes specified under the applicable provisions of the Codes. For example, FINRA Rule 12303 requires a respondent to serve an answer specifying the relevant facts and available defenses to the statement of claim on each other party to the arbitration within 45 days of receipt of the statement of claim (the “answer due date”).<sup>4</sup> If there are multiple respondents to an arbitration, and the respondents are added at different times, each respondent would have a different answer due date.<sup>5</sup> The Codes require the ODR Director<sup>6</sup> to wait until after the last answer is due<sup>7</sup> to send the list or lists of arbitrators generated by NLSS to the parties. Specifically, the Codes provide that the ODR Director

of striking and ranking the arbitrators on a list or lists generated by NLSS.

<sup>4</sup> See also FINRA Rule 13303.

<sup>5</sup> If an amended claim adds a new party to the arbitration, the new party would be required to serve an answer on all other parties within 45 days of receipt of the claim. See FINRA Rules 12306, 12310, 13306, and 13310.

<sup>6</sup> Unless the Codes provide that the ODR Director may not delegate a specific function, the term includes FINRA staff to whom the ODR Director has delegated authority. See FINRA Rules 12100(k) and 13100(k). See also FINRA Rules 12103 and 13103.

<sup>7</sup> The answer due date for the last respondent added to the arbitration would be when the last answer is due for purposes of the Codes.

must send the list or lists of arbitrators to all parties at the same time within approximately 30 days after the last answer is due.<sup>8</sup>

Currently, when parties to an arbitration agree to extend the deadline for when an answer is due, the ODR Director uses that new, agreed-upon extended answer due date as the last answer due date for sending the arbitrator list or lists to the parties.<sup>9</sup> FINRA believes that by sending the arbitrator list or lists after the original due date for the last answer, regardless of any extension, it can shorten the time it takes for an arbitration to conclude in those instances. Party agreements to extend answer due dates would no longer affect the timing of providing the arbitrator list or lists to the parties.

#### Proposed Rule Change

FINRA is proposing to amend FINRA Rules 12402(c)(1), 12403(b)(1), and 13403(c)(1) to provide that the ODR Director will send the list or lists generated by NLSS to all parties at the same time, within approximately 30 days after the last answer is due, regardless of the parties’ agreement to extend any answer due date.

As parties must return the ranked arbitrator list or lists to the ODR Director no more than 20 days after the date upon which the ODR Director sent the list or lists to the parties,<sup>10</sup> sending the list or lists after the original due date for the last answer would give all parties the same amount of time to create their ranked arbitrator list or lists. Further, FINRA believes that sending the list or lists at this time would result in earlier arbitrator appointment and, therefore, an earlier initial prehearing conference at which the hearings are scheduled.<sup>11</sup> In the many instances in which the parties agree to extend an answer due date, FINRA believes the proposed rule change would help arbitrations conclude in less time than they do under current rules.

As noted in Item 2 of this filing, if the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 30

<sup>8</sup> The Codes also state that the parties will receive employment history for the past 10 years and other background information for each arbitrator listed. See FINRA Rules 12402, 12403, and 13403.

<sup>9</sup> In 2015, parties requested an extension to answer in approximately 65 percent of arbitration cases served; in 2016, the figure was approximately 62 percent.

<sup>10</sup> See FINRA Rules 12402(d)(3), 12403(c)(3), and 13404(d).

<sup>11</sup> See FINRA Rules 12500(c) and 13500(c).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> NLSS is a computer system that generates, on a random basis, a list or lists of arbitrators from FINRA’s rosters of arbitrators for the selected hearing location for each arbitration proceeding. The parties will select their panel through a process

days following publication of the *Regulatory Notice* announcing Commission approval.

## 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>12</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change is consistent with Section 15A(b)(6) of the Act. The proposal would enable the parties, or their counsel, to evaluate and rank the arbitrator list or lists at the same time that they prepare their responses in those circumstances where the parties request an extension to answer. Thus, the proposal would shorten the time it takes for such arbitrations to conclude and, thereby, make the forum more efficient and the case administration process more expeditious for investors.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Where parties agree to an extension or modification of any deadline for serving answers, the proposal would likely result in parties, or their counsels, evaluating the arbitrator list or lists and ranking their selections, while simultaneously preparing their responses. Currently, these activities occur serially. However, FINRA notes that parties often jointly request that the ODR Director send the list or lists before the last answer due date deadline. Therefore, FINRA believes that the proposed rule change would not be burdensome. As noted, the benefit to parties arises from concluding arbitrator selection earlier, thereby expediting the arbitration process. FINRA anticipates that this proposal would impose no significant costs to forum users.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2017-009 on the subject line.

### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-FINRA-2017-009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing

also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-FINRA-2017-009 and should be submitted on or before June 5, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09716 Filed 5-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80630; File No. SR-NASDAQ-2017-043]

### **Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4702 (Order Types)**

May 9, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 26, 2017, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule 4702 (Order Types) to modify the behavior of Post-Only Orders in certain situations.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>12</sup> 15 U.S.C. 78o-3(b)(6).

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of this proposal is to amend Rule 4702 (Order Types) to modify the behavior of Post-Only Orders in certain situations.

As stated in Rule 4702(b)(4)(A), a Post-Only order is designed to have its price adjusted as needed to post to the Nasdaq Book in compliance with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours, or to execute against locking or crossing quotations in circumstances where economically beneficial to the Participant entering the Post-Only Order.

The purpose of this proposal is to provide members with the option of cancelling their order if the price of the Post Only Order would otherwise have its price adjusted. This functionality will apply when (1) an incoming Post-Only Order locks or crosses a Protected Quotation; (2) an adjusted Post-Only Order locks or crosses a displayed Order at its displayed price on the Nasdaq Book; or (3) a Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a displayed Order at its displayed price on the Nasdaq Book. This functionality will be offered as a port setting and may be applied to all orders entered under the same MPID for Orders entered through RASH, QIX and FIX, or, in the case of market participants using the OUCH or FLITE order entry protocol, may be applied to all Orders entered through a specific order entry port and under the same MPID.

The first change relates to incoming Post-Only Orders that lock or cross a Protected Quotation. Currently, Rule 4702(b)(4)(A) states that, if a Post-Only Order would lock or cross a Protected

Quotation, the price of the Order will first be adjusted. If the Order is Attributable, its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers).<sup>3</sup> If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the Nasdaq Book.

Nasdaq proposes to amend the behavior for both incoming Non-Attributable and Attributable Post-Only Orders that lock or cross a Protected Quotation on an away market center. In both cases, the Post-Only Order may either be adjusted or be cancelled back to the Participant, depending on the Participant's choice. However, the Post-Only Order will execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds \$0.01 per share. As with the current rule text, the price of the Order will first be adjusted if the Participant elects to have the Post-Only Order adjusted. Similarly, if the Order is Attributable, its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the Nasdaq Book.

In addition to offering the new cancel functionality where an incoming Post-Only Order locks or crosses a Protected Quotation on an away market center, Nasdaq is proposing to amend Rule 4702(b)(4)(A) to state when that Order would execute, as described above.

<sup>3</sup> As set forth in Rule 4703(i), an Order with Attribution is referred to as an "Attributable Order" and an Order without attribution is referred to as a "Non-Attributable Order." Rule 4703(i) defines Attribution as an Order Attribute that permits a Participant to designate that the price and size of the Order will be displayed next to the Participant's MPID in market data disseminated by Nasdaq.

Nasdaq is making this change because it believes that the instances pursuant to which a locking or crossing Post-Only order will execute in other scenarios (such as a Post-Only Order that locks or crosses a displayed Order at its displayed price on the Nasdaq Book) also apply here, e.g., the execution of the Post-Only Order would be economically beneficial to the participant that entered the Order while contributing to the price discovery process.<sup>4</sup>

The second change relates to the adjusted price of the Post-Only Order if that price would lock or cross a displayed Order at its displayed price on the Nasdaq Book. Currently, Rule 4702(b)(4)(A) states that, if the adjusted price of the Post-Only Order would lock or cross a displayed Order at its displayed price on the Nasdaq Book, the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best displayed price to sell on the Nasdaq Book (for bids) or above the current best displayed price to buy on the Nasdaq Book (for offers). However, the Post-Only Order will execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds \$0.01 per share.

Nasdaq proposes to amend this provision to allow the Post-Only Order to either be adjusted or be cancelled back to the Participant in this scenario, depending on the Participant's choice. As with the current language of this section, however, the Post-Only Order will execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently

<sup>4</sup> With this change, Nasdaq is not adding a new functionality to Post-Only Orders where the incoming Post-Only Order locks or crosses a Protected Quotation on an away market center, but is rather clarifying the instances in which the Post-Only Order in this scenario will execute.

provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds \$0.01 per share. If the Participant elects to have the Post-Only Order adjusted, the Order will continue to be treated as specified today in the Rule, so that the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best displayed price to sell on the Nasdaq Book (for bids) or above the current best displayed price to buy on the Nasdaq Book (for offers).

The third change relates to a Post-Only Order that would not lock or cross a Protected Quotation but would lock or cross a displayed Order at its displayed price on the Nasdaq Book. Currently, Rule 4702(b)(4)(A) states that such an Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the Nasdaq Book (for bids) or above the current best-priced Order to buy on the Nasdaq Book (for offers). However, the Post-Only Order will execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book equals or exceeds \$0.01 per share.

Nasdaq proposes to amend this provision so that the Order may either be adjusted or be cancelled back to the Participant, depending on the Participant's choice. However, the Post-Only Order will execute if (i) it is priced below \$1.00 and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Nasdaq Book and subsequently provided liquidity, or (ii) it is priced at \$1.00 or more and the value of price improvement associated with executing against an Order on the Nasdaq Book (as measured against the original limit price of the Order) equals or exceeds \$0.01 per share. If the Participant elects to have the Post Only Order adjusted, the Post Only Order will be repriced, ranked, and displayed at one minimum

price increment below the current best-priced Order to sell on the Nasdaq Book (for bids) or above the current best-priced Order to buy on the Nasdaq Book (for offers).

Finally, Nasdaq is proposing to make a corresponding change to the provision in Rule 4702(b)(4)(A) relating to the treatment of Post-Only Orders during the Pre-Market and Post-Market Hours. Currently, that provision states that, during Pre-Market and Post-Market Hours, a Post-Only Order will be processed in a manner identical to Market Hours with respect to locking or crossing Orders on the Nasdaq Book, but will not have its price adjusted with respect to locking or crossing the quotations of other market centers. Nasdaq is proposing to amend this language to provide that a Post-Only Order that locks or crosses the quotation of another market center during the Pre-Market and Post-Market Hours will not be cancelled or have its price adjusted. The purpose of the proposed functionality is to allow a member to cancel its Post-Only Order in various circumstances rather than have that Order adjusted. To the extent that a Post-Only Order will not have its price adjusted if it locks or crosses the quotation of another market center during the Pre-Market or Post-Market Hours, there is not a need to offer the corresponding cancel functionality.

With these changes, the Exchange is providing members with an added functionality by allowing a member to cancel a Post-Only Order when (1) an incoming Post-Only Order locks or crosses a Protected Quotation; (2) an adjusted Post-Only Order locks or crosses a displayed Order at its displayed price on the Nasdaq Book; and (3) a Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a displayed Order at its displayed price on the Nasdaq Book, while still setting forth instances in which the Order will execute. Nasdaq notes that the proposed change only relates to situations where a Post-Only Order would lock or cross *displayed interest*.

The proposed functionality is consistent with functionalities that are currently offered by other exchanges. For example, Bats BZX Exchange, Inc. ("BZX") also offers a Post Only order type,<sup>5</sup> and allows users to select a

functionality that will cancel a Post Only Order if, upon entry, such order would create a violation of Rule 610(d) of Regulation NMS by crossing a Protected Quotation of an external market, rather than adjusting the price of that order.<sup>6</sup> BZX also provides that any display-eligible Post-Only or Partial Post-Only Order that locks or crosses a Protected Quotation displayed by the Exchange upon entry will be executed pursuant to Rule 11.9(c)(6) or Rule 11.9(c)(7), as applicable, or cancelled.<sup>7</sup>

Similarly, Bats EDGX Exchange, Inc. ("EDGX") provides that, if a Limit Order would lock or cross a protected quotation if displayed at its limit price at the time of entry into the EDGX system, the user may elect to have the order immediately cancel back.<sup>8</sup>

Nasdaq believes that this proposal will benefit liquidity providers and the market in general by, among other things, providing members with greater flexibility when managing their order flow, and thereby promoting the more efficient execution of orders. Market makers and liquidity providers are essential to displayed price formation on exchanges. The proposal seeks to provide market participants, including market makers and liquidity providers, additional flexibility with which to handle their orders. In some circumstances, a market maker may have its order prices adjusted due to locking or crossing an away market price (*i.e.*, the displayed NBBO without Nasdaq) or it may have its order price adjusted due to locking or crossing a displayed order on the Nasdaq order book. In many cases, these liquidity providers do not want to have their price adjusted and would rather have their order cancelled so that they can reevaluate the market conditions at the time. Today, the market maker may therefore cancel its bid or offer once it has determined that the Exchange has repriced the order. Going forward, in support of efficient markets that drive price formation and price discovery via continuous trading, the Exchange believes that providing the flexibility when an incoming order would lock or cross an away displayed price or a displayed order on the Nasdaq book will increase efficiency and reduce message

<sup>6</sup> See BZX Rule 11.9(g)(1)(A); *see also* Securities Exchange Act Release No. 67657 (August 14, 2012), 77 FR 50199 (August 20, 2012) (SR-BATS-2012-35).

<sup>7</sup> See BZX Rule 11.9(g)(1)(D); *see also* Securities Exchange Act Release No. 67657 (August 14, 2012), 77 FR 50199 (August 20, 2012) (SR-BATS-2012-35).

<sup>8</sup> See EDGX Rule 11.8(b)(10); *see also* Securities Exchange Act Release No. 72676 (July 24, 2014), 79 FR 44520 (July 31, 2014) (SR-EDGX-2014-18).

<sup>5</sup> See BZX Rule 11.9(c)(6). That rule defines a Post Only Order as an order that is to be ranked and executed on BZX pursuant to Rule 11.12 and Rule 11.13(a)(4) or cancelled, as appropriate, without routing away to another trading center except that the order will not remove liquidity from the BZX Book, other than as described elsewhere in Rule 11.9.

traffic both internal to the Exchange and for external data feed consumers.

The Exchange intends to implement this functionality on or before June 30, 2017. The Exchange will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>9</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>10</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange is proposing to add a new functionality (cancelling a Post-Only Order instead of adjusting its price) that is not currently available on the Exchange, and that is consistent with functionalities that are currently offered by other exchanges. The Exchange believes that this new functionality is consistent with the Act because, as discussed above, it will provide members with greater flexibility when managing their order flow, which will promote the more efficient execution of orders. The proposal is also consistent with the stated intent of the Post-Only Order, which is to avoid the display of quotations that would lock or cross a Protected Quotation. Finally, Nasdaq believes that amending Rule 4702(b)(4)(A) to specify when an incoming Post-Only Order that locks or crosses a Protected Quotation on an away market center would execute is consistent with the Act because, as with other the instances pursuant to which a locking or crossing Post-Only order will execute, the execution of the Post-Only Order would be economically beneficial to the participant that entered the Order while contributing to the price discovery process.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Post-Only Order is an optional order type that is available for entry through multiple Nasdaq order entry protocols. No member is required to use any specific Order type or attribute or even to use any Exchange Order type or

attribute or any Exchange functionality at all. If an Exchange member believes for any reason that the proposed rule change will be detrimental, that perceived detriment can be avoided by choosing not to enter or interact with the Order types modified by this proposed rule change. The proposed changes will provide members with a functionality that is not currently available on the Exchange, and that is consistent with functionalities that are currently offered by other exchanges. The proposed changes will apply equally to all Orders that meet the proposed criteria. This functionality will facilitate the more efficient execution of order flow, which could increase the Exchange's market quality and thereby promote competition by attracting additional liquidity to the Exchange.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and Rule 19b-4(f)(6) thereunder.<sup>12</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2017-043 on the subject line.

### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2017-043. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2017-043 and should be submitted on or before June 5, 2017.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).



For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09713 Filed 5-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80629; File No. SR-BatsBZX-2017-29]

### Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on the Exchange's Equity Options Platform

May 9, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 1, 2017, Bats BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members<sup>5</sup> and non-members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at [www.bats.com](http://www.bats.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform ("BZX Options") to: (i) Decrease the standard rebate provided by fee code PF; and (ii) amend certain (A) Customer Penny Pilot Add Tiers under footnote 1; (B) Quoting Incentive Program ("QIP") Tiers under footnote 5; and (C) Customer Non-Penny Pilot Add Volume Tiers under footnote 12.

###### Fee Code PF

Currently, fee code PF provides a standard rebate of \$0.26 per contract for Firm,<sup>6</sup> Broker Dealer<sup>7</sup> and Joint Back Office<sup>8</sup> orders that add liquidity on the Exchange in Penny-Pilot securities.<sup>9</sup> The Exchange proposes to reduce this rebate [sic] to \$0.25 per contract. The Exchange also proposes to update the Standard Rates table accordingly to reflect new rate.

###### Customer Penny Pilot Add Tiers

The Exchange currently offers seven Customer<sup>10</sup> Penny Pilot Add Tiers

<sup>6</sup> "Firm" applies to any transaction identified by a Member for clearing in the Firm range at the OCC, excluding any Joint Back Office transaction. See the Exchange's fee schedule available at [http://www.bats.com/us/options/membership/fee\\_schedule/bzx/](http://www.bats.com/us/options/membership/fee_schedule/bzx/).

<sup>7</sup> "Broker Dealer" applies to any order for the account of a broker dealer, including a foreign broker dealer, that clears in the Customer range at the Options Clearing Corporation ("OCC"). *Id.*

<sup>8</sup> "Joint Back Office" applies to any transaction identified by a Member for clearing in the Firm range at the OCC that is identified with an origin code as Joint Back Office. A Joint Back Office participant is a Member that maintains a Joint Back Office arrangement with a clearing broker-dealer. *Id.*

<sup>9</sup> "Penny Pilot Securities" are those issues quoted pursuant to Exchange Rule 21.5, Interpretation and Policy .01. *Id.*

<sup>10</sup> "Customer" applies to any transaction identified by a Member for clearing in the Customer range at the OCC, excluding any transaction for a

under footnote 1, which provide an enhanced rebate ranging from \$0.40 to \$0.53 per contract for qualifying Customer orders that add liquidity in Penny Pilot Securities and yield fee code PY. The Exchange now proposes to modify Tier 3' [sic] required criteria and rebates [sic] well as to add new Tier 7.

• Currently under Tier 3, a Member may receive a rebate of \$0.50 per contract where they have an ADV<sup>11</sup> greater than or equal to 1.30% of average OCV.<sup>12</sup> As amended, a Member may receive a rebate of \$0.51 per contract where they have an: (i) ADAV<sup>13</sup> in Customer orders greater than or equal to 0.50% of average OCV; and (ii) ADAV in Market Maker<sup>14</sup> orders greater than or equal to 2.75% of average OCV.

• Under proposed Tier 7, a Member would receive a rebate of \$0.53 per contract where they have an: (i) ADAV in Customer orders greater than or equal to 0.50% of average OCV; (ii) ADAV in Market Maker orders greater than or equal to 2.75% of average OCV; and (iii) ADAV in Firm orders in Non-Penny Pilot Securities greater than or equal to 0.05% of average OCV.

###### QIP Tiers

The Exchange currently offers four QIP Tiers under footnote 5, which provide an additional rebate ranging from \$0.02 to \$0.05 per contract for qualifying Market Maker orders that add liquidity in: (i) Penny Pilot Securities that yield fee code PM and; (ii) Non-Penny Pilot Securities that yield fee code NM. The additional rebate per contract is for an order that adds liquidity to the BZX Options in options classes in which a Member is a Market Maker registered pursuant to Exchange Rule 22.2. A Market Maker must be registered with BZX Options in an average of 20% or more of the

Broker Dealer or a "Professional" as defined in Exchange Rule 16.1. *Id.*

<sup>11</sup> "ADV" means average daily volume calculated as the number of contracts added or removed, combined, per day. See the Exchange's fee schedule available at [http://www.bats.com/us/options/membership/fee\\_schedule/bzx/](http://www.bats.com/us/options/membership/fee_schedule/bzx/).

<sup>12</sup> "OCV" means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation ("OCC") for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. *Id.*

<sup>13</sup> "ADAV" means average daily added volume calculated as the number of contracts added and "ADV" means average daily volume calculated as the number of contracts added or removed, combined, per day. *Id.*

<sup>14</sup> "Market Maker" applies to any transaction identified by a Member for clearing in the Market Maker range at the OCC, where such Member is registered with the Exchange as a Market Maker as defined in Rule 16.1(a)(37). *Id.*

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." See Exchange Rule 1.5(n).



associated options series in a class in order to qualify for QIP rebates for that class. The Exchange now proposes to delete the current Tier 2 and to decrease the rebate Tier 3 and renumber it as Tier 2.

- Under the current Tier 2, a Member may receive an additional rebate of \$0.04 per contract where they have an ADV greater than or equal to 1.30% of average OCV. The Exchange proposes to delete Tier 2.

- Under Tier 3, a Member may receive an additional rebate of \$0.05 per contract where they have an ADV in greater than or equal to 3.25% of average OCV. The Exchange proposes to decrease the rebate provided by Tier 3 from \$0.05 per contract to \$0.04 per contract. The Exchange also proposes to renumber Tier 3 as Tier 2 to reflect the above deletion of the current Tier 2.<sup>15</sup>

#### Customer Non-Penny Pilot Add Volume Tiers

The Exchange currently offers two Customer Non-Penny Pilot Add Volume Tiers under footnote 12, which provide an enhanced rebate of \$1.00 or \$1.05 per contract for qualifying Customer orders which add liquidity in Non-Penny Pilot Securities and yield fee code NY. The Exchange proposes to add two new Customer Non-Penny Pilot Add Volume Tiers under footnote 12.

- Under the newly proposed Tier 1, a Member would receive a rebate of \$0.92 per contract where they have an: (i) ADAV in Customer orders greater than or equal to 0.50% of average OCV; and (ii) ADAV in Market Maker orders greater than or equal to 2.75% of average OCV. In connection with this change, the Exchange proposes to renumber current Tier 1 as Tier 2.. [sic] The Exchange also proposes to update the Standard Rates table accordingly to reflect new rebate.

- Under the newly proposed Tier 3, a Member may receive a rebate of \$1.02 per share where they have an: (i) ADAV in Customer orders greater than or equal to 0.50% of average OCV; (ii) an ADAV in Market Maker orders greater than or equal to 2.75% of average OCV; and (iii) an ADAV in Firm, Non-Penny orders greater than or equal to 0.05% of average OCV. In connection with this change and the addition of new Tier 1 described above, the Exchange proposes to renumber current Tier 2 as Tier 4.. [sic] The Exchange also proposes to update the Standard Rates table accordingly to reflect new rebate.

#### Implementation Date

The Exchange proposes to implement the above changes to its fee schedule on May 1, 2017.

#### 2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,<sup>16</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>17</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange.

#### Fee Codes PF

The Exchange believes that its proposal to reduce the rebate provided by fee code PF is fair and equitable and reasonable because the proposed rebate remains consistent with pricing previously offered by the Exchange as well as its competitors and does not represent a significant departure from the Exchange's general pricing structure. Specifically, the lower rebate to \$0.25 per contract for Firm, Broker Dealer and Joint Back Office orders which add liquidity in Penny Pilot Securities under fee code PF is identical to NYSE Arca, Inc. ("NYSE Arca"), which provides a standard rebate of \$0.25 per contract for similar orders.<sup>18</sup> Lastly, the proposed change to fee code PF is not unfairly discriminatory because it will apply equally to all Members.

#### Tier Modifications

The Exchange believes that the proposed modifications to the tiered pricing structure are reasonable, fair and equitable, and non-discriminatory. The Exchange operates in a highly competitive market in which market participants may readily send order flow to many competing venues if they deem fees at the Exchange to be excessive or incentives provided to be insufficient. The proposed structure remains intended to attract order flow to

the Exchange by offering market participants a competitive pricing structure. The Exchange believes it is reasonable to offer and incrementally modify incentives intended to help to contribute to the growth of the Exchange.

Volume-based pricing such as that proposed herein have been widely adopted by exchanges, including the Exchange, and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provisions and/or growth patterns; and (iii) introduction of higher volumes of orders into the price and volume discovery processes. In particular, the proposed changes to footnotes 1, 5, and 12 are intended to further incentivize Members to send increased order flow to the Exchange in an effort to qualify for the enhanced rebates made available by the tiers, in turn contributing to the growth of the Exchange. The proposed changes to the tiered pricing structure are not unfairly discriminatory because they will apply equally to all Members.

Lastly, the Exchange believes that eliminating Tier 2 under footnote 5 is reasonable, fair, and equitable because this tier was not providing the desired result of incentivizing Members to increase their participation on the Exchange. As such, the Exchange also believes that the proposed elimination of this tier would be non-discriminatory in that it currently applies equally to all Members and, upon elimination, would no longer be available to any Members. Further, its elimination could allow the Exchange to explore other pricing mechanisms such as those described herein, in which it may enhance market quality for all Members.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed amendment to its fee schedule would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to

<sup>15</sup> The Exchange also proposes to renumber Tier 4 as Tier 3 to reflect the above deletion of the current Tier 2.

<sup>16</sup> 15 U.S.C. 78f.

<sup>17</sup> 15 U.S.C. 78f(b)(4).

<sup>18</sup> See the NYSE Arca fee schedule available at [https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE\\_Arca\\_Options\\_Fee\\_Schedule.pdf](https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf).

maintain their competitive standing in the financial markets. The Exchange does not believe that the proposed changes to the Exchange's standard fees, rebates and tiered pricing structure burdens competition, but instead, enhances competition as it is intended to increase the competitiveness of the Exchange.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>19</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>20</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BatsBZX-2017-29 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-BatsBZX-2017-29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsBZX-2017-29 and should be submitted on or before June 5, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-09712 Filed 5-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**[Summary Notice No. 2017-29]**

**Petition for Exemption; Summary of Petition Received; Jonathan D. Ross**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before June 5, 2017.

**ADDRESSES:** Send comments identified by docket number FAA-2017-0257 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Brenda Robeson, (202) 267-4712, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 4, 2017.

**Lirio Liu,**

*Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA-2017-0257.

*Petitioner:* Jonathan D. Ross.

*Section(s) of 14 CFR Affected:* 61.23(a)(3)(vii).

*Description of Relief Sought:*

Petitioner requests relief from holding

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

an FAA medical certificate while acting as a Designated Pilot Examiner.

[FR Doc. 2017-09704 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2017-33]

#### Petition for Exemption; Summary of Petition Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from the requirements pertaining to the method of determining fuel tank flammability for airplanes. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number involved and must be received on or before June 5, 2017.

**ADDRESSES:** You may send comments identified by docket number FAA-2013-0437 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments digitally.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association,

business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Deana Stedman, ANM-113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov), phone (425) 227-2148.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on May 5, 2017.

**Victor Wicklund,**

*Manager, Transport Standards Staff.*

#### Petition for Exemption

*Docket No.:* FAA-2013-0437.

*Petitioner:* Quiet Wing Aerospace, LLC.

*Section of 14 CFR Affected:* § 25.981(b).

*Description of Relief Sought:* The petitioner seeks an exemption from the requirements of 14 CFR 25.981(b) that pertain to appendix N of part 25 to allow an alternate method of determining fuel tank flammability for Boeing 737-400 airplanes. The exemption requested would allow the consideration of external effects on vapor flammability instead of fuel temperature alone in the determination of fuel tank flammability.

[FR Doc. 2017-09717 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0032]

#### Commercial Driver's License Standards: Application for Renewal of Exemption; Daimler Trucks North America (Daimler)

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for renewal of exemption; request for comments.

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has requested the renewal of an exemption from the requirement for a commercial driver's license (CDL) for one of its commercial motor vehicle (CMV) drivers, Sven Ennerst, who holds a German commercial license. The

renewal would allow Mr. Ennerst to continue to test-drive Daimler vehicles on U.S. roads to better understand product requirements for these systems in "real world" environments, and verify results. Daimler believes that German regulations ensure that holders of a German commercial license will likely achieve a level of safety equal to or greater than that of drivers who hold a U.S. CDL.

**DATES:** Comments must be received on or before June 14, 2017.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2012-0032 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time and in the box labeled "SEARCH for" enter FMCSA-2012-0032 and click on the tab labeled "SEARCH."

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

*Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received

your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614-942-6477. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

##### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2012-0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2012-0032" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

#### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the

**Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

#### **III. Daimler Application for Exemption Renewal**

Daimler has applied for a renewal of an exemption for one of its engineers from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. This driver, Sven Ennerst, holds a valid German commercial license but is unable to obtain a CDL in any of the U.S. States due to residency requirements. A copy of the request for renewal, dated February 15, 2017, is in the docket identified at the beginning of this notice.

FMCSA granted a renewal of an exemption to Mr. Ennerst on July 22, 2015 (80 FR 45576). This exemption was effective July 22, 2015, and expires July 22, 2017. Detailed information about the qualifications and experience of Mr. Ennerst was provided by Daimler in its original application, a copy of which is in the docket referenced above. Renewal of the exemption will enable Mr. Ennerst to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to develop improved safety and emission technologies. According to Daimler, Mr. Ennerst will typically drive for no more than 6 hours per day for 2 consecutive days, and 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total

of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled. Daimler requests that the exemption cover the maximum allowable duration of 5 years.

Daimler has explained in prior exemption requests that the German knowledge and skills tests and training program ensure that Daimler's drivers operating under the exemption will achieve a level of safety that is equivalent to, or greater than, the level of safety obtained by complying with the U.S. requirement for a CDL.

#### **IV. Method To Ensure an Equivalent or Greater Level of Safety**

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); July 12, 2016 (81 FR 45217); July 25, 2016 (81 FR 48496)].

Issued on: May 8, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-09736 Filed 5-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

#### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2016-0111]

#### **Parts and Accessories Necessary for Safe Operation; Application for an Exemption From the International Institute of Towing and Recovery (IITR)**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the International Institute of Towing and Recovery's (IITR's) application for a limited 5-year exemption to allow commercial motor vehicle (CMV) operators to secure automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of using a minimum of two tiedowns, both of which need to be adjustable. While the Federal Motor Carrier Safety Regulations (FMCSRs) require each tiedown, or its associated

connectors or its attachment mechanisms to be adjustable, the Agency has determined that the use of four tiedowns to secure light vehicles, only two of which are adjustable, will (1) prevent lateral, forward, rearward, and vertical movement of the load when in transit, and (2) provide a level of safety that is equivalent to, or greater than, the level of safety provided by the regulation.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Amina Fisher, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC-PSV, (202) 366-2782, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) [Pub. L. 105-178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

##### **IITR's Application for Exemption**

IITR applied for an exemption from 49 CFR 393.112 to allow CMV operators

to secure automobiles, light trucks, and vans using a total of four tiedowns—two fixed and two adjustable—instead of using a minimum of two tiedowns, both of which are required to be adjustable. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.112 of the FMCSRs, “Must a tiedown be adjustable?,” states “Each tiedown, or its associated connectors, or its attachment mechanisms must be designed, constructed, and maintained so the driver of an in-transit commercial motor vehicle can tighten them. However, this requirement does not apply to the use of steel strapping.”

Section 393.128 of the FMCSRs, “What are the rules for securing automobiles, light trucks and vans?,” states in paragraph (b)(1) that “Automobiles, light trucks, and vans must be restrained at both the front and rear to prevent lateral, forward, rearward, and vertical movement using a minimum of two tiedowns.”

In its application, IITR states that the towing industry has adopted a securement method for light vehicles whereby two non-adjustable tiedowns are attached to the rear of disabled vehicle, and then “snugged up or adjusted by using the winch to remove any slack in the chains.” Two adjustable chains are used to secure the front of the disabled vehicle to the transport vehicle, and “as the front binder or ratchet is tightened up, it not only tightens up the front tiedown chain but the rear tiedown chain as well.” IITR states that this securement system will prevent any lateral, forward, rearward, and vertical movement of the disabled vehicle, and that the four-point tiedown system exceeds the minimum tiedown requirements specified in the FMCSRs. Additional information is provided in the IITR application included in the docket referenced at the beginning of this notice.

##### **Public Comments**

On September 28, 2016, FMCSA published notice of the IITR application and requested public comment (81 FR 66728). The Agency received six comments, all in support of IITR's application. All commenters believe that the use of a four-tiedown system provides greater assurance that the transported vehicle will be properly secured to prevent lateral, forward, rearward, and vertical movement when compared to the minimally required two tiedowns permitted by the regulations. Mr. Peter O'Connell, commenting on behalf of the Towing and Recovery Association of America, the Conference

of North-Eastern Towing Associations, and the Empire State Towing and Recovery Association, stated that “A non-adjustable chain is also stronger than one with a ratcheting device, which is the weakest point of the securement—a factor to be considered in a head on collision with a heavy vehicle, such as a small truck or SUV on board.”

##### **Discussion**

The FMCSRs, as currently written, do not prohibit the use of a four-tiedown system to restrain automobiles, light trucks and vans. Instead, the regulations require a minimum of two tiedowns, both of which must be adjustable. However, the Agency agrees with the commenters that the use of a four-point tiedown system consisting of two fixed tiedowns and two adjustable tiedowns will provide a level of safety that is equivalent to or greater than a system that uses two adjustable tiedowns. In the configuration described in the application, tensioning of the adjustable tiedowns on one end of the load via binders, ratchets, a winch, or the tilt of the vehicle bed will in turn provide a controlled tensioning of the other, fixed tiedowns. The use of four tiedowns in this manner will provide restraint of the transported vehicle in the lateral, longitudinal, and vertical direction as required by section 393.128(b)(1) of the FMCSRs. In addition, FMCSA notes that the use of a four-tiedown system wherein all four tiedowns are adjustable (as opposed to just two as suggested in the IITR exemption application) will provide proper securement.

FMCSA notes that in addition to the cargo securement requirements of part 393, section 392.9(b)(2) of the FMCSRs requires every driver to inspect the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip and make adjustments to the cargo or load securement devices as necessary—including adding more securement devices—to ensure that the cargo cannot shift on or within or fall from the CMV. Further, section 392.9(b)(3) of the FMCSRs requires every driver to reexamine the cargo and its load securement devices during the course of transportation and make any necessary adjustment whenever (1) the driver makes a change of duty status, (2) the CMV has been driven for 3 hours, or (3) the CMV has been driven for 150 miles, whichever occurs first.

##### **FMCSA Decision**

FMCSA has evaluated the comments received in support of IITR's application. The Agency agrees that allowing the use of four tiedowns, at

least two of which are adjustable, to secure automobiles, light trucks and vans will prevent against lateral, forward, rearward, and vertical motion as required in 49 CFR 393.128. The Agency believes that this configuration will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

### Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning May 15, 2017 and ending May 16, 2022. During the temporary exemption period, motor carriers will be allowed to use a four-tiedown system, at least two of which must be adjustable, to secure automobiles, light trucks and vans under 49 CFR 393.128. The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers who use two non-adjustable tiedowns in addition to the two required adjustable tiedowns are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

### Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Issued on: May 8, 2017.

**Daphne Y. Jefferson,**  
Deputy Administrator.

[FR Doc. 2017-09738 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2002-12432; FMCSA-2002-12844; FMCSA-2004-19477; FMCSA-2005-23238; FMCSA-2006-26066; FMCSA-2008-0106; FMCSA-2008-0266; FMCSA-2008-0340; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0114; FMCSA-2010-0187; FMCSA-2010-0201; FMCSA-2010-0354; FMCSA-2010-0385; FMCSA-2012-0040; FMCSA-2012-0104; FMCSA-2012-0159; FMCSA-2012-0214; FMCSA-2012-0337; FMCSA-2012-0338; FMCSA-2012-0339; FMCSA-2014-0004; FMCSA-2014-0006; FMCSA-2014-0007; FMCSA-2014-0296; FMCSA-2014-0298; FMCSA-2014-0299; FMCSA-2014-0300]

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 81 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m.

and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

## II. Background

On March 8, 2017, FMCSA published a notice announcing its decision to renew exemptions for 81 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (82 FR 13048). The public comment period ended on April 7, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

## III. Discussion of Comments

FMCSA received no comments in this proceeding.

## VI. Conclusion

As of February 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 26 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (71 FR 5105; 71 FR 19600; 73 FR 11989; 73 FR 35194; 73 FR 35197; 73 FR 48273; 73 FR 48275; 73 FR 75803; 74 FR 6209; 74 FR 65842; 75 FR 9478; 75 FR 13653; 75 FR 44050; 75 FR 52062; 75 FR 54958; 75 FR 70078; 76 FR 4413; 76 FR 46793; 76 FR 59245; 77 FR 7234; 77 FR 17107; 77 FR 27847; 77 FR 36336; 77 FR 38386; 77 FR 46795; 77 FR

52389; 77 FR 68200; 77 FR 68202; 78 FR 797; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 29495; 79 FR 29498; 79 FR 35212; 79 FR 38659; 79 FR 47175; 79 FR 51642; 79 FR 53514; 79 FR 58856; 79 FR 59348; 79 FR 59357; 79 FR 65759; 79 FR 69985; 79 FR 72754; 79 FR 73397; 80 FR 3305; 80 FR 8927; 80 FR 9304):

Michael J. Bechta (PA)  
Anatoliy A. Bogdanets (OR)  
William L. Brady (KS)  
Ricky J. Childress (AL)  
Donald S. Dickerson (WV)  
David L. Dykman (ID)  
Larry E. Emanuel (FL)  
Milan D. Frasier (ID)  
Greg E. Gage (IA)  
Eric M. Giddens, Sr. (DE)  
Harold J. Haier (NY)  
James A. Jones (MD)  
Timothy L. Kelly (TX)  
Lewis A. Kielhack (IL)  
Daniel E. Manchester (GA)  
Joe A. McIlroy (NY)  
Richard L. Moreland (MO)  
Timothy W. Nappier (MI)  
Don R. Padley (MO)  
Dennis D. Pimley (CA)  
Monte L. Purciful (IN)  
Michael R. Seldomridge (FL)  
Ronald M. Scott (IN)  
Ronald B. Shafer (MI)  
Dennis Torrence (WI)  
Jeffrey T. Zuniga (CT)

The drivers were included in one of the following docket Nos: FMCSA–2005–23238; FMCSA–2008–0106; FMCSA–2008–0340; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2012–0104; FMCSA–2012–0159; FMCSA–2012–0214; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0299. Their exemptions are effective as of February 5, 2017, and will expire on February 5, 2019.

As of February 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, Thomas J. Boss (IL), has satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 1054; 74 FR 980; 76 FR 4414; 78 FR 798; 80 FR 5615).

The driver was included in docket No. FMCSA–2002–12844. The exemption is effective as of February 7, 2017, and will expire on February 7, 2019.

As of February 11, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (77 FR 70534; 78 FR 9772; 80 FR 3308):

Douglas Eamens (NY)

Roberto Ramos (TX)  
Johnie Reed (VA)  
Sammie Soles, Jr. (MI)  
Grover C. Taylor (VA)

The drivers were included in docket No. FMCSA–2012–0337. Their exemptions are effective as of February 11, 2017, and will expire on February 11, 2019.

As of February 18, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 2473; 80 FR 18693):

David C. Berger (PA)  
Raymond L. Bradshaw (TX)  
Jeffrey L. Coachman (NY)  
Robert W. Cushing (NH)  
Kenneth Dionisi (MI)  
Wolfgang K. Faulkingham (ME)  
Ricky J. Franklin (OR)  
James P. Gapinski (MN)  
David N. Groff (PA)  
Robert J. Hansen (MN)  
Kevin L. Himes (CO)  
Jackie Lee (FL)  
Keith A. Looney (AR)  
Van C. Mac (IL)  
Chris D. McCance (IL)  
Michael W. McCann (VA)  
Preston Nehring (FL)  
Dennis J. Oie (MN)  
Leonardo Polonski (MA)  
Don C. Powell (NY)  
Luis Ramos (FL)  
Kevin C. Rich (NC)  
Gerardo Silva (IL)  
James A. Spittal (OR)  
Paul J. Stewart (CO)  
David A. Stinelli (PA)  
Ingrid V. Taylor (MI)  
Bobby M. Warren (KY)  
Steven E. Williams (GA)  
Vantha Yeam (PA)

The drivers were included in docket No. FMCSA–2014–0300. Their exemptions are effective as of February 18, 2017, and will expire on February 18, 2019.

As of February 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (67 FR 54525; 68 FR 8794; 69 FR 64806; 70 FR 2705; 70 FR 8659; 71 FR 63380; 72 FR 1050; 72 FR 1056; 72 FR 5489; 73 FR 51689; 73 FR 63047; 73 FR 76439; 74 FR 981; 74 FR 6207; 75 FR 1835; 75 FR 9482; 75 FR 34209; 75 FR 47883; 75 FR 47886; 75 FR 63255; 75 FR 72863; 75 FR 77942; 75 FR 79083; 75 FR 79084; 76 FR 2190; 76 FR 4414; 76 FR 5425; 76 FR 8809; 77 FR 23799; 77 FR 33558; 77 FR 70534; 77 FR 74731; 77 FR 75496; 78 FR 1919; 78 FR

9772; 78 FR 12811; 78 FR 12813; 78 FR 12817; 80 FR 3723):

William Audinwood (NY)  
Kenneth L. Bowers, Jr. (MN)  
Lester W. Carter (CA)  
Matthew T. Eggers (IA)  
Dennis E. Fisher (NY)  
Andrew G. Fornsel (NY)  
Jerry Hall (KY)  
Dennis R. O'Dell Jr. (OK)  
Jerry W. Parker (OH)  
Gary W. Phelps (PA)  
Charles D. Reddick (GA)  
Myriam Rodriguez (CA)  
Bobby L. Rupe (TX)  
Jules M. Sancho, Jr. (LA)  
Frank Santak (DE)  
Gary Wanek (NE)  
Keith Washington (IL)  
Kenneth J. Weaver (WY)  
Cameron R. Whitford (NY)

The drivers were included in one of the following docket Nos: FMCSA–2002–12432; FMCSA–2004–19477; FMCSA–2006–26066; FMCSA–2008–0266; FMCSA–2009–0321; FMCSA–2010–0114; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2012–0040; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2012–0339. Their exemptions are effective as of February 25, 2017, and will expire on February 25, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 8, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017–09739 Filed 5–12–17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28043]

### Hours of Service (HOS) of Drivers; American Pyrotechnics Assn. (APA) Application for Exemption From the 14-Hour Rule; Request To Add New Member to Current APA Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.



**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** The American Pyrotechnics Association (APA), has requested an exemption for a member company, Pyro Shows of Alabama, Inc., from the prohibition on driving commercial motor vehicles (CMVs) after the 14th hour after the driver comes on duty. Fifty-one APA members currently hold such an exemption during the Independence Day period each year, terminating on July 8, 2020. If granted, this exemption would terminate at the same time as the other 51 exempted carriers. The APA maintains that the terms and conditions of the limited exemption would ensure a level of safety equivalent to, or greater than, the level of safety achieved without the exemption.

**DATES:** June 14, 2017.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2007–28043 using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

##### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2007–28043), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA–2007–28043” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

##### *Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov) and insert the docket number, “FMCSA–2007–28043” in the “Keyword” box and click

“Search.” Next, click “Open Docket Folder” button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### **II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### *APA Application for Exemption*

The HOS rule in 49 CFR 395.3(a)(2) prohibits the driver of a property-carrying CMV from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. In 2016, the APA, a trade association representing the domestic fireworks industry was granted exemptions for 51 member companies through the annual Independence Day periods ending on July 8, 2020 [81 FR 43701, July 5, 2016]. APA has requested an exemption for Pyro Shows of Alabama Incorporated, USDOT 2859710, which would increase the total to 52. The exemption for this APA carrier, if granted, would expire on July 8, 2020. Although this is less than the 5-year exemption period authorized by 49 U.S.C. 31315(b)(2), as amended by section 5206(a)(3) of the Fixing America’s Surface Transportation



(FAST) Act (Pub. L. 114–94, 129 Stat. 1312, 1537, Dec. 4, 3015), FMCSA believes that the interests of the APA members and the Agency would best be served by harmonizing, as far as possible, the expiration dates of all such fireworks-related exemptions. Like the other 51 member companies, Pyro Shows of Alabama would be subject to all of the terms and conditions of the exemption.

The initial APA application for relief from the 14-hour rule was submitted in 2004; a copy is in the docket. That application fully describes the nature of the pyrotechnic operations of CMV drivers during a typical Independence Day period.

As stated in the 2004 request, the CMV drivers employed by APA member companies are trained pyro-technicians who hold commercial driver's licenses (CDLs) with hazardous materials (HM) endorsements. They transport fireworks and related equipment by CMVs on a very demanding schedule during a brief Independence Day period, often to remote locations. After they arrive, the drivers are responsible for set-up and staging of the fireworks shows.

The APA states that it is seeking an additional exemption for Pyro Shows of Alabama, Incorporated because compliance with the current 14-hour rule in 49 CFR 395.3(a)(2) would impose a substantial economic hardship on numerous cities, towns and municipalities, as well as its member companies. To meet the demand for fireworks without the exemptions, APA states that its member companies would be required to hire a second driver for most trips. The APA advises that the result would be a substantial increase in the cost of the fireworks shows—beyond the means of many of its members' customers—and that many Americans would be denied this important component of the celebration of Independence Day.

#### *Method To Ensure an Equivalent or Greater Level of Safety*

The APA believes that the exemption would not adversely affect the safety of the fireworks transportation provided by this motor carrier. According to APA, its member companies have operated under this exemption for 10 previous Independence Day periods without a reported motor carrier safety incident. Moreover, it asserts, without the extra time provided by the exemption, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's

home base. As a condition of holding the exemption, each motor carrier is required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving the operation of any its CMVs while under this exemption. To date, FMCSA has received no accident notifications, nor is the Agency aware of any accidents reportable under terms of the prior APA exemptions.

In its exemption request, APA asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before July 4, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day. Before beginning another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

#### *Terms and Conditions of the Exemption*

##### *Period of the Exemption*

The requested exemption from 49 CFR 395.3(a)(2) would be effective from June 28 through July 8, at 11:59 p.m. local time, each year through 2020.

##### *Terms and Conditions of the Exemption*

During the 2017 Independence Day period, the exemption from 49 CFR 395.3(a)(2) would be limited to drivers employed by the 51 motor carriers already covered by the exemption, plus (if approved) the one carrier now seeking an exemption. Section 395.3(a)(2) prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Drivers covered by this exemption would be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. This exemption would be contingent on each driver driving no more than 11 hours in the 14-hour period after coming on duty, as extended by any off-duty or sleeper-berth time in accordance with this exception. The exemption would be further contingent on each driver having a full 10 consecutive hours off duty following 14 hours on duty prior to beginning a new driving period. The carriers and drivers must comply with all other requirements of

the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

#### *Preemption*

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

#### *FMCSA Notification*

Exempt motor carriers would be required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under this exemption. The notification must be by email to [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV) and include the following information:

- a. *Name of the Exemption*: “APA”
- b. Date of the accident,
- c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,
- d. Driver's name and driver's license State, number, and class,
- e. Co-Driver's name and driver's license State, number, and class,
- f. Vehicle company number and power unit license plate State and number,
- g. Number of individuals suffering physical injury,
- h. Number of fatalities,
- i. The police-reported cause of the accident,
- j. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and
- k. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

In addition, if there are any injuries or fatalities, the carrier must forward the police accident report to [MCPSD@DOT.GOV](mailto:MCPSD@DOT.GOV) as soon as available.

#### *Termination*

The FMCSA does not believe the motor carriers and drivers covered by this exemption, if granted, would experience any deterioration of their safety record.

However, should this occur, FMCSA would take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions. Exempt motor carriers and

drivers would be subject to FMCSA monitoring while operating under this exemption.

Dated: May 8, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-09735 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0032]

#### Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that Daimler Trucks North America (Daimler) has requested an exemption for one commercial motor vehicle (CMV) driver from the Federal requirement to hold a U.S. commercial driver's license (CDL). Daimler requests an exemption for Mr. Philipp Helbing, executive assistant for Daimler Trucks and Bus Division. Mr. Helbing holds a valid German commercial license and wants to test drive Daimler vehicles on U.S. roads to better understand product requirements in "real world" environments, and verify results. Daimler believes the requirements for a German commercial license ensure that operation under the exemption will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

**DATES:** Comments must be received on or before June 14, 2017.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-2012-0032 using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* 1-202-493-2251

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614-942-6477. Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

##### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2012-0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, "FMCSA-2012-0032" in the "Keyword" box, and click "Search." When the new screen appears, click on

"Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

##### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

##### III. Request for Exemption

Daimler has applied for an exemption for Philipp Helbing from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. Mr. Helbing is unable to obtain a CDL in any of the U.S. States due to his lack of residency in the United States. A copy of the application is in Docket No. FMCSA-2012-0032.

The exemption would allow Mr. Helbing to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future

vehicle safety and environmental requirements and to promote technological advancements in vehicle safety systems and emissions reductions. Mr. Helbing needs to drive Daimler vehicles on public roads to better understand “real world” environments in the U.S. market. According to Daimler, Mr. Helbing will typically drive for no more than 6 hours per day for 2 consecutive days, and that 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on Interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Mr. Helbing holds a valid German commercial license, and as explained by Daimler in its exemption request, the requirements for that license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL. Furthermore, according to Daimler, Mr. Helbing is familiar with the operation of CMVs worldwide. Daimler requests that the exemption cover the maximum allowable duration of 5 years.

#### IV. Method To Ensure an Equivalent or Greater Level of Safety

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); July 12, 2016 (81 FR 45217); July 25, 2016 (81 FR 48496)].

Issued on: May 8, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-09734 Filed 5-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1998-4334; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2001-9258; FMCSA-2002-12844; FMCSA-2003-14504; FMCSA-2004-17984; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560; FMCSA-2006-26066; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2008-0106; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2009-0086; FMCSA-2011-0010; FMCSA-2011-0092; FMCSA-2012-0337; FMCSA-2013-0022; FMCSA-2013-0024; FMCSA-2013-0025; FMCSA-2013-0026; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2014-0299; FMCSA-2014-0302; FMCSA-2014-0303; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0048]

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 120 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

**DATES:** Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before June 14, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-1998-4334; FMCSA-2000-7006; FMCSA-2000-7363; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2001-9258; FMCSA-2002-12844; FMCSA-2003-14504; FMCSA-2004-17984; FMCSA-2004-19477; FMCSA-2005-20027; FMCSA-2005-20560;

FMCSA-2006-26066; FMCSA-2007-27333; FMCSA-2007-27515; FMCSA-2008-0106; FMCSA-2008-0398; FMCSA-2009-0054; FMCSA-2009-0086; FMCSA-2011-0010; FMCSA-2011-0092; FMCSA-2012-0337; FMCSA-2013-0022; FMCSA-2013-0024; FMCSA-2013-0025; FMCSA-2013-0026; FMCSA-2014-0299; FMCSA-2014-0300; FMCSA-2014-0302; FMCSA-2014-0303; FMCSA-2014-0304; FMCSA-2014-0305; FMCSA-2015-0048 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- **Fax:** 1-202-493-2251.

**Instructions:** Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

## I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the two-year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 120 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period

## II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

## III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 120 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 45817; 65 FR 57230; 65 FR 66286; 65 FR 77066; 65 FR 78256; 66 FR 13825; 66 FR 16311; 66 FR 17743; 66 FR 17994; 66 FR 33990; 67 FR 57266; 67 FR 68719; 68 FR 2629; 68 FR 13360; 68 FR 19598; 68 FR 33570; 68 FR 35772; 69 FR 33997; 69 FR 61292; 69 FR 64806;

69 FR 71100; 70 FR 2701; 70 FR 2705; 70 FR 12265; 70 FR 16887; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 33937; 70 FR 37891; 71 FR 63379; 72 FR 184; 72 FR 1050; 72 FR 1051; 72 FR 1053; 72 FR 5489; 72 FR 11425; 72 FR 11426; 72 FR 12666; 72 FR 21313; 72 FR 25831; 72 FR 27624; 72 FR 28093; 72 FR 32703; 72 FR 32705; 72 FR 34062; 73 FR 78423; 74 FR 6207; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 19267; 74 FR 20253; 74 FR 21427; 74 FR 23472; 74 FR 26464; 74 FR 26471; 74 FR 28094; 75 FR 79083; 76 FR 8809; 76 FR 9856; 76 FR 11215; 76 FR 12216; 76 FR 15361; 76 FR 20076; 76 FR 21796; 76 FR 25766; 76 FR 29026; 76 FR 32016; 76 FR 32017; 76 FR 34133; 76 FR 34135; 76 FR 37885; 77 FR 70534; 77 FR 74734; 78 FR 9772; 78 FR 12815; 78 FR 12822; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 16912; 78 FR 20376; 78 FR 22596; 78 FR 22598; 78 FR 22602; 78 FR 29431; 78 FR 30954; 78 FR 32703; 78 FR 32708; 78 FR 34140; 78 FR 34141; 78 FR 37270; 78 FR 37274; 78 FR 57677; 79 FR 73397; 80 FR 2473; 80 FR 3305; 80 FR 3308; 80 FR 9304; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14223; 80 FR 14240; 80 FR 15859; 80 FR 15863; 80 FR 16502; 80 FR 18693; 80 FR 20559; 80 FR 22773; 80 FR 25766; 80 FR 25768; 80 FR 26139; 80 FR 29149; 80 FR 29152; 80 FR 29154; 80 FR 31635; 80 FR 31640; 80 FR 31962; 80 FR 33009; 80 FR 33011; 80 FR 33324; 80 FR 45573; 80 FR 48409). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of June 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 38 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 68719; 68 FR 2629; 68 FR 13360; 68 FR 19598; 68 FR

33570; 69 FR 33997; 69 FR 61292; 69 FR 64806; 69 FR 71100; 70 FR 2705; 70 FR 12265; 70 FR 16887; 70 FR 25878; 71 FR 63379; 72 FR 184; 72 FR 1050; 72 FR 1051; 72 FR 1053; 72 FR 5489; 72 FR 11425; 72 FR 11426; 72 FR 28093; 73 FR 78423; 74 FR 6207; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 11988; 74 FR 15584; 74 FR 15586; 74 FR 20253; 74 FR 21427; 75 FR 79083; 76 FR 8809; 76 FR 9856; 76 FR 11215; 76 FR 11216; 76 FR 15361; 76 FR 20076; 76 FR 21796; 76 FR 29026; 77 FR 70534; 77 FR 74734; 78 FR 9772; 78 FR 12815; 78 FR 12822; 78 FR 14410; 78 FR 16761; 78 FR 16762; 78 FR 16912; 78 FR 20376; 78 FR 22596; 78 FR 22598; 78 FR 22602; 78 FR 29431; 78 FR 30954; 78 FR 32703; 78 FR 32708; 78 FR 34140; 78 FR 34141; 78 FR 37270; 78 FR 37274; 78 FR 57677; 79 FR 73397; 80 FR 2473; 80 FR 3305; 80 FR 3308; 80 FR 9304; 80 FR 12248; 80 FR 12254; 80 FR 12547; 80 FR 14223; 80 FR 14240; 80 FR 15859; 80 FR 15863; 80 FR 16502; 80 FR 18693; 80 FR 20559; 80 FR 22773; 80 FR 25766; 80 FR 29152; 80 FR 33011; 80 FR 33324; 80 FR 45573); Charles D. Ashworth (KY) Jimmie L. Blue (MT) Ronald G. Bradley (IN) Terry L. Daneau (NH) Tracy A. Doty (TN) Glenn E. Dowell (IN) Jerald O. Edwards (ID) Kenneth E. Flack, Jr. (AL) Maylin E. Frickey (OR) Ramon L. Green (LA) Richard G. Gruber (SC) Matthew J. Hahn (PA) Gerald L. Harper (MO) Dennis K. Harris (GA) Leon E. Jackson (GA) Francisco J. Jimenez (TX) William D. Johnson (OK) Jimmy C. Killian (NC) Peter M. Kirby (NJ) Robert T. Lantry (MA) Phillip L. Mangan (OH) Clarence M. Miles (OK) Steven M. Montalbo (CA) Richard N. Moyer, Jr. (PA) Craig C. Perrotta (MA) Virgil A. Potts (CO) Donald G. Reed (FL) Vincent Rubino (NJ) Randy G. Spilman (OH) Joseph Stenberg (MT) Terrance W. Temple (OH) Thomas S. Thompson (NE) Jeffrey W. Tucker (IN) Russell E. Ward (NH) Robert A. Wegner (MN) Wayne A. Whitehead (NY) Thomas W. Workman (IL) Kevin D. Zaloudek (VT)

The drivers were included in one of the following docket Nos: FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2003–14504; FMCSA–2004–17984; FMCSA–2004–19477; FMCSA–2006–26066; FMCSA–2008–0398; FMCSA–2009–

0054; FMCSA–2011–0010; FMCSA–2012–0337; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0302; FMCSA–2014–0303; FMCSA–2014–0304; FMCSA–2014–0305. Their exemptions are effective as of June 4, 2017, and will expire on June 4, 2019.

As of June 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 27 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 20376; 78 FR 34141; 80 FR 26139; 80 FR 29149; 80 FR 48409):

Glenn Blanton (OH)  
Matthew J. Buersken (MN)  
Stephen M. Cook (PA)  
Roderick Croft (FL)  
Lawrence M. Davis (VT)  
Bobby C. Floyd (TN)  
Jayme L. Gilbert (NY)  
Jesse M. Greene (TN)  
Wesley D. Hogue (AR)  
Robert W. Kleve (IA)  
Anthony Lang (NH)  
Jason C. Laub (OH)  
Edward J. Lavin (CT)  
Wayne D. Litwiller, Sr. (IL)  
Collin C. Longacre (PA)  
Luther A. McKinney (VA)  
Steven J. McLain (TN)  
Raymond W. Meier (WA)  
Enes Milanovic (MI)  
Michael L. Penrod (IA)  
David P. Ramos (CA)  
Donie L. Rhoads (MT)  
Steven Schaumberg (NJ)  
Dale G. Stringer (TX)  
James B. Taflinger, Sr. (VA)  
Michael J. Tauriac, Jr. (LA)  
Ronald W. Thompson (WI)

The drivers were included in one of the following docket Nos: FMCSA–2013–0025; FMCSA–2015–0048. Their exemptions are effective as of June 6, 2017, and will expire on June 6, 2019.

As of June 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (74 FR 19267; 74 FR 28094; 76 FR 32016; 76 FR 32703; 80 FR 25768):

Michael D. Abel (NE)  
Paul M. Christina (PA)  
Edward J. Grant (IL)  
Johnny K. Hiatt (NC)  
Jeffrey M. Mueller (MO)  
George M. Nelson (OH)  
Christopher A. Weidner (CT)  
Paul A. Wolfe (OH)

The drivers were included in one of the following docket Nos: FMCSA–2008–0106; FMCSA–2009–0086. Their exemptions are effective as of June 12, 2017, and will expire on June 12, 2019.

As of June 13, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (70 FR 17504; 70 FR 30997; 72 FR 21313; 72 FR 27624; 72 FR 32703; 74 FR 23472; 76 FR 32017; 78 FR 32708; 80 FR 29154):

Roosevelt Bell, Jr. (NC)  
David K. Boswell (TN)  
Bernabe V. Cerda (TX)  
Michael S. Crawford (IL)  
Rex A. Dyer (VT)  
Patrick J. Goebel (IA)  
Thomas A. Gotto (IA)  
Kenneth C. Reeves (OR)  
Thomas E. Summers, Sr. (OH)  
Daniel E. Watkins (FL)  
Tommy N. Whitworth (TX)

The drivers were included in one of the following docket Nos: FMCSA–2005–20560; FMCSA–2007–27515. Their exemptions are effective as of June 13, 2017, and will expire on June 13, 2019.

As of June 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (72 FR 21313; 72 FR 32703; 74 FR 11988; 74 FR 19267; 74 FR 21427; 74 FR 23472; 74 FR 28094; 76 FR 21796; 76 FR 32016; 76 FR 32017; 78 FR 12815; 78 FR 16912; 78 FR 22596; 78 FR 22598; 78 FR 22602; 78 FR 29431; 78 FR 32703; 78 FR 32708; 78 FR 37274; 80 FR 31635):

Fred Boggs (WV)  
Russell A. Bolduc (CT)  
James M. Del Sasso (IL)  
Darryl W. Hardy (AL)  
Larry M. Hawkins (AZ)  
Terry L. Lipscomb (AL)  
Joseph E. Pfaff (IL)  
Dustin N. Sullivan (MD)

The drivers were included in one of the following docket Nos: FMCSA–2007–27515; FMCSA–2009–0054; FMCSA–2009–0086; FMCSA–2013–0022; FMCSA–2013–0024; FMCSA–2013–0026. Their exemptions are effective as of June 20, 2017, and will expire on June 20, 2019.

As of June 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 17743; 66 FR 17994; 66 FR 33990; 67 FR 57266; 68 FR 35772; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 70 FR 33937; 72 FR 12666; 72 FR 25831; 72 FR 32705; 74 FR 15586; 74 FR 26464; 76 FR 21796; 76 FR 34135; 78 FR 34140; 80 FR 33009):

Johnny A. Beutler (SD)  
Brett L. Condon (MD)  
Christopher A. Deadman (MI)  
Daryl A. Jester (DE)  
James P. Jones (ME)  
Clyde H. Kitzan (ND)  
Larry J. Lang (MI)  
William A. Moore, Jr. (NV)  
Richard S. Rehbein (MN)  
David E. Sanders (NC)  
David B. Speller (MN)  
Lynn D. Veach (IA)  
Harry S. Warren (FL)  
Michael C. Wines (MD)

The drivers were included in one of the following docket Nos: FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2001–9258; FMCSA–2005–20027; FMCSA–2005–20560; FMCSA–2007–27333. Their exemptions are effective as of June 26, 2017, and will expire on June 26, 2019.

As of June 28, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (76 FR 25766; 76 FR 37885; 78 FR 37270; 80 FR 31640):

Jan M. Bernath (OH)  
Joseph L. Butler (IN)  
Shawn Carroll (OK)  
Walter C. Dean, Sr. (AL)  
Mark T. Gileau (CT)  
Peter D. Gouge (IA)  
Alan D. Harberts (IA)  
Wendell S. Sehen (OH)  
Gary E. Valentine (OH)  
Kevin W. Van Arsdsol (CO)  
Charles Van Dyke (WI)

The drivers were included in docket No. FMCSA–2011–0092. Their exemptions are effective as of June 28, 2017, and will expire on June 28, 2019.

As of June 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 13360; 70 FR 2701; 70 FR 16887; 70 FR 17504; 70 FR 30997; 70 FR 37891; 72 FR 27624; 72 FR 34062; 74 FR 26471; 76 FR 34133; 78 FR 57677; 80 FR 31962):

Edmund J. Barron (PA)  
Roger K. Cox (NJ)  
Thomas E. Howard (IN)

The drivers were included in one of the following docket Nos: FMCSA–2000–8398; FMCSA–2005–20027; FMCSA–2005–20560. Their exemptions are effective as of June 30, 2017, and will expire on June 30, 2019.

#### Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each

driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

#### IV. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VI. Conclusion

Based upon its evaluation of the 120 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: May 4, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017-09740 Filed 5-12-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-26601; FMCSA-2009-0115; FMCSA-2011-0080; FMCSA-2011-0093; FMCSA-2011-0103; FMCSA-2013-0015; FMCSA-2013-0016; FMCSA-2013-0017; FMCSA-2015-0058; FMCSA-2015-0059]

### Qualification of Drivers; Exemption Applications; Diabetes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions of 145 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

**DATES:** Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before June 14, 2017.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA-2006-26601; FMCSA-2009-0115; FMCSA-2011-0080; FMCSA-2011-0093; FMCSA-2011-0103; FMCSA-2013-0015; FMCSA-2013-0016; FMCSA-2013-0017; FMCSA-2015-0058; FMCSA-2015-0059 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

*Instructions:* Each submission must include the Agency name and the

docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are from 8 a.m. to 5:30 p.m. e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 145 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their

required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

## II. Exemption Decision

This notice addresses 145 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 145 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

## III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of June and are discussed below.

As of June 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (76 FR 20073; 76 FR 32015):

Donovan A. Bloomfield (MA), Kyle T. Brewer (NE) Rastus A. Bryant, Jr. (SC), Daniel J. Cahalan (WV), C. Shawn Fox (OH) Brad S. Gray (MD), Troy M. Keller (PA) Edmond D. Kilmartin III (MI), Michael G. Moseley (NC), Francisco M. Torres (NM), Mark H. Wilcox (MN).

The drivers were included in Docket No. FMCSA–2011–0080. Their exemptions are effective as of June 2, 2017, and will expire on June 2, 2019.

As of June 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 21 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (80 FR 26133; 80 FR 60743):

Robert L. Adams (GA), Steven D. Beale (WA), Kevin N. Bigham (PA), Eric B. Bratanich (WI), Jeffery L. Bromby (CA), Joel R. Currie (MN), George C. Druzak (PA), William L. Duncan (FL), Leland R. Frazier, Jr. (GA), Louis E. Graves (MS), Loren G. Howard (AK), John A. Irwin (IL), Marvin T. Kruse (SD), Richard L. Langdon (NY), Amanda K. Perez-Littleton (NM), Michael J. Peterson (MN), Thomas E. Ringstaff, Jr. (OH), Milton E. Sullivan (VA), John E. Vee (IA), Russell A. Wilkins (VA), David A. Wolff (NY).

The drivers were included in Docket No. FMCSA–2015–0058. Their exemptions are effective as of June 6, 2017, and will expire on June 6, 2019.

As of June 8, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (72 FR 12656; 72 FR 31875):

David M. Beard (CO), David R. Burton (WY), Esko G. Cate (WA), Stephen R. Clemens (MI), Johnny W. Corbin (KY), Mark K. Eaton (MN), Chad L. Erickson (WA), Kendal B. Heath (NC), Jon D. Huntsinger (SD), Robbie L. Jones (IN), Lucas J. Jordon (FL), Murl R. Kimmel (IL), Michael G. McIntosh (WA), Judith A. Neel (IN), Danny E. Norment (TN), Samuel N. Prindle (IL), Mark W. Sadowski (IN), Thomas M. Sandahl (WI) Anthony Ybarra (MN).

The drivers were included in Docket No. FMCSA–2006–26601. Their exemptions are effective as of June 8, 2017, and will expire on June 8, 2019.

As of June 11, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 41 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from

driving CMVs in interstate commerce. (78 FR 20381; 78 FR 35088; 80 FR 26979; 80 FR 45575):

Donald J. Barber II (FL), Kenneth V. Bartlett (PA), Derek A. Becker (IL), Robert J. Boardwick (NJ), Robert E. Clark, Jr. (VA), Robert G. Costa (NJ), Thomas J. Cummings (IA), Gary E. Davidge (MD), Stephen L. Drake (TX), David E. Goddard, Jr. (WV), William J. Hannan, 3rd (NJ), David H. Heins (IL), Korry W. Hullinger (UT), Daniel A. Johns (PA), James V. Kuhns, Jr. (PA), Craig C. Leckie (OR), Robert T. Lee (WI), Tyler S. Lewis (AK), Zackery L. Lowe (AK), Gary D. MacFarlane (ME), Edward W. Masser (PA), David J. Mathews (MN), Brian L. Merlo (CA), Brian K. Miesner (MO), Terrance M. Morrisette (MN), Patrick S. Murray (OK), Shane J. Nesheim (WI), Lisa R. Olson (MT), Kevin J. Riedl (WI), Richard E. Roberts (NC), Stephen D. Sandine (AR), Jeremy D. Schroeder (OH), Jerry G. Severson, Jr. (IL), Richard J. Tallen (IN), Brett E. Thein (GA), Kelly R. Troll (MN), Ryan R. Turnbull (NY), Jonathan Walston (IA), Graciano Wharton-Ramirez (NJ), Rick G. White (WA), Randall L. Williamson (IL).

The drivers were included in one of the following docket Nos: FMCSA–2013–0015; FMCSA–2015–0059. Their exemptions are effective as of June 11, 2017, and will expire on June 11, 2019.

As of June 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (74 FR 19271; 74 FR 28096):

Edward E. Back III (VA), Aaron Bailey (MA), George E. Hardman (GA), Brian K. Moore (TN), Zachary T. Patton (AZ), Terry L. Robinett (AR), Scot J. Suhr (IN), Kenneth R. Walker (TN), Blake A. Woolman (MO).

The drivers were included in Docket No. FMCSA–2009–0115. Their exemptions are effective as of June 12, 2017, and will expire on June 12, 2019.

As of June 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 25 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (78 FR 22599; 78 FR 24795; 78 FR 37272; 78 FR 37273):

Willie J. Brock (MO), Roger S. Davis (PA), Edgar I. Duque (NY), Kevin J. Fuller (MI), Kevin D. Gentes (IL), John M. Hawk (MN), Joel M. Jock (VA), Michal J. Makwinski (NJ), James S.



Marunczak (PA), Michael J. Moynihan (NH), William A. Nearhood (PA), Fernand L. Poulin (NH), James A. Pruitt (GA), Tony E. Pullen (IN), Michael M. Sanchez (NM), Joseph Sawicki, III (NY), Nathaniel Scales Jr. (DE), Michael Schrock III (TN), Jimmy W. Scroggins (AR), Michael Steinman (PA), Mark A. Stromberg (MN), Christopher T. Thieneman (KY), Daniel J. Wagner (TX), Andrew J. White (IA), Michael D. Ziegler (PA).

The drivers were included in docket No. FMCSA–2013–0016; FMCSA–2013–0017. Their exemptions are effective as of June 20, 2017, and will expire on June 20, 2019.

As of June 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (76 FR 25769; 76 FR 37171):

John C. Beason, Jr. (TN), Adam R. Errickson (NJ), Jon M. Greiner (MN), Gregory M. Hoyt (VT), Robert E. Jackson (NC), Kimm D. Jacobson (MN), Daryl D. Jibben (MN), Jimmy G. Lee, Jr. (NC), Daniel S. May (IA), Gerald D. McElya (TX), Donald B. Ramaley (PA), Floyd M. Tyler (PA).

The drivers were included in docket No. FMCSA–2011–0103. Their exemptions are effective as of June 24, 2017, and will expire on June 24, 2019.

As of June 28, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. (76 FR 21792; 76 FR 37882):

Terry J. Johnson (MN), Todd L. McAuley (NC), Stephen A. Miles (OH), Edgar M. Ridlon, Jr. (VT), Andrew M. Schutt (IL), John W. Wortman (WI), Kemlyn K. Yowell (OH).

The drivers were included in docket No. FMCSA–2011–0093. Their exemptions are effective as of June 28, 2017, and will expire on June 28, 2019.

Each of the 145 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate

commerce. Therefore, FMCSA concludes that extending the exemption for each of the 145 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2006–26601; FMCSA–2009–0115; FMCSA–2011–0080; FMCSA–2011–0093; FMCSA–2011–0103; FMCSA–2013–0015; FMCSA–2013–0016; FMCSA–2013–0017; FMCSA–2015–0058; FMCSA–2015–0059.

#### IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by June 14, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 145 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

#### V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket numbers FMCSA–2006–26601; FMCSA–2009–0115; FMCSA–2011–0080; FMCSA–2011–0093; FMCSA–2011–0103; FMCSA–2013–0015; FMCSA–2013–0016; FMCSA–2013–0017; FMCSA–2015–0058; FMCSA–2015–0059 and click the search button. When the new screen appears, click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

#### VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–2006–26601; FMCSA–2009–0115; FMCSA–2011–0080; FMCSA–2011–0093; FMCSA–2011–0103; FMCSA–2013–0015; FMCSA–2013–0016; FMCSA–2013–0017; FMCSA–2015–0058; FMCSA–2015–0059 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to this notice.

Issued on: May 8, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017–09737 Filed 5–12–17; 8:45 am]

**BILLING CODE 4910–EX–P**



**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA–2017–0014]

**Technical Report Evaluating Fatality Reduction by Seat Belts in the Center Rear Seat**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for comments on technical report.

**SUMMARY:** This notice announces NHTSA's publication of a technical report estimating the fatality-reducing effectiveness of seat belts for adult and adolescent passengers in the center rear seats of passenger cars and LTVs. The report's title is: *Fatality Reduction by Seat Belts in the Center Rear Seat and Comparison of Occupants' Relative Fatality Risk at Various Seating Positions*.

**DATES:** Comments must be received no later than September 12, 2017.

**ADDRESSES:**

*Report:* The technical report is available on the Internet for viewing in PDF format at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812369>.

*Comments:* You may submit comments, identified by Docket Number NHTSA–2017–0014, by any of the following methods:

- *Internet:* To submit comments electronically, go to the U.S. Government regulations Web site at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* Written comments may be faxed to 202–493–2251.
- *Mail:* Send comments to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except federal holidays
- You may call Docket Management at 1–800–647–5527.

*Instructions:* For detailed instructions on submitting comments and additional information see the Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all

comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** John Kindelberger, Chief, Evaluation Division, NVS–431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4696. Email: [john.kindelberger@dot.gov](mailto:john.kindelberger@dot.gov).

**SUPPLEMENTARY INFORMATION:** In 2002 Anton's Law (Pub. L. 107–318) directed NHTSA to require 3-point belts for each rear seating position—including center rear seats—in new passenger motor vehicles by September 1, 2007. Manufacturers had begun installing 3-point belts at the center rear seats in some makes and models as early as 1994, and completed the transition from lap belts to 3-point belts on time. Double-pair comparison and logistic regression analyses of FARS data for 1990 to 2014 show that 3-point belts are highly effective in the center rear seats: Buckling up reduces passengers' fatality risk by an estimated 58 percent in passenger cars (95% confidence bounds: 41% to 69%) and by 75 percent in LTVs (confidence bounds: 63% to 84%).

In cars of the 1960s and 70s, when restraints use rates were lower, the rear seats were substantially safer than the front seats for unrestrained occupants, and the center rear seat even safer than the outboard rear seats. These differences between seats have substantially diminished over the past 30 years. Statistical analyses of FARS do not show statistically significant mitigation of fatality risk for outboard rear or center rear seats of passenger cars relative to the driver's or right front seats, for belted occupants of the same age and gender. Corresponding analyses of LTVs show reduced fatality risk for the right front and right rear seats relative to the driver's seat; however, they do not show significant advantages for the outboard rear or center rear seats relative to the right front seats.

**Comments**

NHTSA welcomes public review of the technical report. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

*How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your

comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2017–0014) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please submit one copy of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. DOT's guidelines may be accessed at [http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/subject\\_areas/statistical\\_policy\\_and\\_research/data\\_quality\\_guidelines/index.html](http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/subject_areas/statistical_policy_and_research/data_quality_guidelines/index.html).

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://www.dot.gov/privacy.html>.

*How can I be sure that my comments were received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail. You may also periodically access <http://www.regulations.gov> and enter the number for this docket (NHTSA–2017–0014) to see if your comments are on line.

*How do I submit confidential business information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. In addition, you should submit a copy, from which you have deleted the claimed confidential business

information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

*Will the agency consider late comments?*

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

*How can I read the comments submitted by other people?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to <http://www.regulations.gov>.  
(2) *Regulations.gov* provides two basic methods of searching to retrieve dockets and docket materials that are available in the system: (a) "Search" to search using a full-text search engine, or (b) "Advanced Search," which displays various indexed fields such as the docket name, docket identification number, phase of the action, initiating office, date of issuance, document title, document identification number, type of document, **Federal Register** reference, CFR citation, etc. Each data field in the advanced search may be searched independently or in combination with other fields, as desired. Each search yields a simultaneous display of all available information found in *regulations.gov* that is relevant to the requested subject or topic.

(3) You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

**Authority:** 49 U.S.C. 30111, 30181–83 delegation of authority at 49 CFR 1.95 and 501.8.

Issued in Washington, DC.

**Joseph M. Kolly,**

*Acting Associate Administrator, National Center for Statistics and Analysis.*

[FR Doc. 2017–09703 Filed 5–12–17; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Information Collection; Comment Request

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments should be received on or before July 14, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or at [Elaine.H.Christophe@irs.gov](mailto:Elaine.H.Christophe@irs.gov).

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment. Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at [Elaine.H.Christophe@irs.gov](mailto:Elaine.H.Christophe@irs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in our

request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Currently, the IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

1. **Title:** Procedures for Requesting Competent Authority Assistance Under Tax Treaties.

**OMB Number:** 1545–2044.

**Revenue Procedure Number:** Notice 2013–78 (modified by Rev. Proc. 2015–40).

**Abstract:** Taxpayers who believe that the actions of the United States, a treaty country, or both, result or will result in taxation that is contrary to the provisions of an applicable tax treaty are required to submit the requested information in order to receive assistance from the IRS official acting as the U.S. competent authority. The information is used to assist the taxpayer in reaching a mutual agreement with the IRS and the appropriate foreign competent authority.

**Current Actions:** There are no changes being made to the Notice at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, business or other for-profit organizations.

**Estimated Number of Respondents:** 300.

**Estimated Time per Respondent:** 30 hours.

**Estimated Total Annual Burden Hours:** 9,000.

2. **Title:** Treatment of Overall Foreign and Domestic Losses.

**OMB Number:** 1545–1634.

**Regulation:** REG–106902–98. (T.D. 9595)

**Abstract:** The final regulation provides guidance relating to the

recapture of overall domestic losses that was enacted as part of the American Jobs Creation Act of 2004 (AJCA). In addition, the regulation provides updated guidance with respect to overall foreign losses and separate limitation losses, and affect individuals and corporations claiming foreign tax credits, as updated. T.D. 9595 supersedes T.D. 9371 and T.D. 8833.

**Current Actions:** There are no changes to the existing regulation.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations.

**Estimated Number of Respondents:** 2,000.

**Estimated Average Time per Respondent:** 1 hr., 30 min.

**Estimated Total Annual Burden Hours:** 3,000.

3. **Title:** Biodiesel and Aviation-Grade Kerosene.

**OMB Number:** 1545–1915.

**Notice Number:** Notice 2005–4.

**Abstract:** Notice 2005–04 provides guidance on certain excise tax Code provisions that were added or effected by the American Jobs Creation Act of 2004. The information will be used by the IRS to verify that the proper amount of tax is reported, excluded, refunded, or credited. This notice is modified and expanded by Notices 2005–24, 2005–62, and 2005–80.

**Current Actions:** There are no changes being made to the notice at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, not-for-profit institutions, farms, Federal, state, local or tribal governments.

**Estimated Number of Responses:** 157,963.

**Estimated Time per Respondent:** .48 hours.

**Estimated Total Annual Burden Hours:** 76,190.

4. **Title:** Demonstration Automobile Use.

**OMB Number:** 1545–1756.

**Revenue Procedure Number:** Revenue Procedure 2001–56.

**Abstract:** Revenue Procedure 2001–56 provides optional simplified methods for determining the value of the use of demonstration automobiles provided to employees by automobile dealerships.

**Current Actions:** There are no changes being made to this revenue procedure at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations.

**Estimated Number of Respondents:** 20,000.

**Estimated Time per Respondent:** 5 hours.

**Estimated Total Annual Burden Hours:** 100,000.

5. **Title:** Limited Payability Claim Against the United States For Proceeds of An Internal Revenue Refund Check.

**OMB Number:** 1545–2024.

**Form Number:** Form-13818.

**Abstract:** This form is used by taxpayers for completing a claim against the United States for the proceeds of an Internal Revenue refund check.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, Businesses and other for-profit organizations.

**Estimated Number of Respondents:** 4,000.

**Estimated Time per Respondent:** 1 hour.

**Estimated Total Annual Burden Hours:** 4,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: May 8, 2017.

**Laurie Brimmer,**

*Senior Tax Analyst.*

[FR Doc. 2017–09765 Filed 5–12–17; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

**AGENCY:** Departmental Offices, U.S. Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The

public is invited to submit comments on the collection(s) listed below.

**DATES:** Comments should be received on or before June 14, 2017 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submissions may be obtained by emailing [PHA@treasury.gov](mailto:PHA@treasury.gov), calling (202) 622–0489, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

### SUPPLEMENTARY INFORMATION:

#### Internal Revenue Service (IRS)

**Title:** TD 8586 (Final) Treatment of Gain From Disposition of Certain Natural Resource Recapture Property.

**OMB Control Number:** 1545–1352.

**Type of Review:** Extension without change of a currently approved collection.

**Abstract:** This regulation prescribes rules for determining the tax treatment of gain from the disposition of natural resource recapture property in accordance with Internal Revenue Code section 1254. Gain is treated as ordinary income in an amount equal to the intangible drilling and development costs and depletion deductions taken with respect to the property. The information that taxpayers are required to retain will be used by the IRS to determine whether a taxpayer has properly characterized gain on the disposition of section 1254 property.

**Form:** TD 8586.

**Affected Public:** Businesses or other for-profits.

**Estimated Total Annual Burden Hours:** 2,000.

**Title:** REG–209619–93 (Final—TD 9249) Escrow Funds and Other Similar Funds.

**OMB Control Number:** 1545–1631.

**Type of Review:** Extension without change of a currently approved collection.

**Abstract:** Section 468B(g) requires that income earned on escrow accounts, settlement funds, and similar funds be subject to current taxation. This section authorizes the Secretary to issue regulations providing for the current

taxation of these accounts and funds as grantor trusts or otherwise. The regulations would amend the final regulations for qualified settlement funds (QFSs) and would provide new rules for qualified escrows and qualified trusts used in deferred section 1031 exchanges; pre-closing escrows; contingent at-closing escrows; and disputed ownership funds.

*Form:* None.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 3,720.

*Title:* Form 13094—Recommendation for Juvenile Employment with the Internal Revenue Service.

*OMB Control Number:* 1545–1746.

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* The data collected on the form provides the Internal Revenue Service with a consistent method for making suitability determination on juveniles for employment within the Service. *Form:* 13094.

*Affected Public:* Individuals or Households.

*Estimated Total Annual Burden Hours:* 208.

*Title:* TD 9168—Optional 10-Year Write-off of Certain Tax Preferences (REG–124405–03).

*OMB Control Number:* 1545–1903.

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* Internal Revenue Code § 59(e) contains final regulations relating to the optional 10-year write off of certain tax preference items under section 59(e) of the Internal Revenue Code (Code). The final regulations affect taxpayers who utilize section 59(e) for the optional 10-year write off of certain tax preferences. These final regulations provide guidance on the time and manner of making an election under section 59(e). The regulations also provide guidance on revoking an election under section 59(e). The regulations reflect changes to the law made by the Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, and the Omnibus Budget Reconciliation Act of 1989.

*Form:* None.

*Affected Public:* Individuals or Households.

*Estimated Total Annual Burden Hours:* 10,000.

*Title:* TD 9289 (Final) Treatment of Disregarded Entities Under Section 752.

*OMB Control Number:* 1545–1905.

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* Generally, the final regulations recognize that only the assets of a disregarded entity that limits its member's liability are available to satisfy creditors' claims under local law. The regulations provide rules under section 752 for taking into account the net value of a disregarded entity owned by a partner or related person for purposes of allocating, partnership liabilities.

*Form:* None.

*Affected Public:* Businesses or other for-profits.

*Estimated Total Annual Burden Hours:* 3,000.

*Authority:* 44 U.S.C. 3501 *et seq.*

Dated: May 10, 2017.

**Jennifer P. Leonard,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2017–09761 Filed 5–12–17; 8:45 am]

**BILLING CODE 4830–01–P**

# Reader Aids

## Federal Register

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Monday, May 15, 2017

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**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

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